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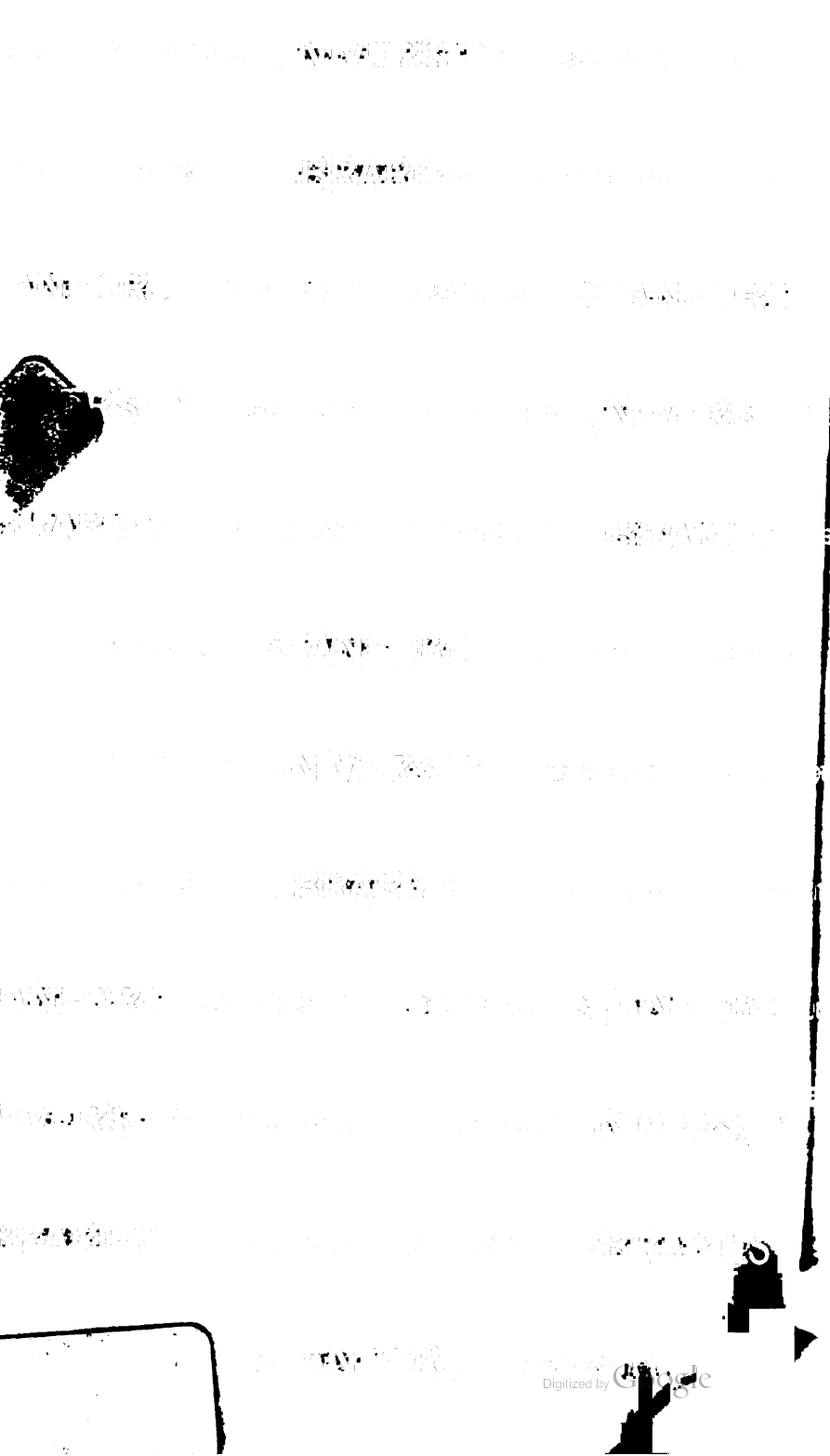
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THE
EDINBURGH REVIEW,
OR
CRITICAL JOURNAL:

FOR
APRIL JULY, 1830.

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THE
EDINBURGH REVIEW.

APRIL, 1830.

No. CI.

- ART. I.—1. *A Statement of some Important Facts, supported by Authentic Documents, relating to the Operation of Breaking the Enemy's Line, as practised for the first time in the celebrated Battle of the 12th April, 1782.* By Major-General Sir HOWARD DOUGLAS, Bart., K.S.C., C.B., F.R.S. 8vo. London. 1829.
2. *Additional Statement of Facts relative to the Breaking of the Line on the 12th of April, 1782.* By Major-General Sir H. DOUGLAS. 8vo. London. 1830.

THESE publications refer to the celebrated manœuvre of breaking the enemy's line at sea, which was first put in practice in a deliberate and systematic manner, in Lord Rodney's great action of the 12th of April, 1782, and has since been repeated in all our remarkable sea-fights, with such uniform and brilliant success: And the question now at issue is, to whom the merit of suggesting that bold and decisive manœuvre truly belongs?—to the gallant commander on that memorable day—to his captain, Sir Charles Douglas—or to our ingenious countryman, the late Mr Clerk of Eldin?

Till very lately, we confess, we thought this controversy had been over; and that the voice of the profession had at last accorded with that of the public, in awarding the prize to the most learned and reflecting, if not the most experienced or immediately responsible, of the competitors. It was natural, and even laudable perhaps, that the pretensions of a landsman to this magnificent discovery in nautical war, should be viewed at first with some jealousy, and questioned with some rigour, by the gallant members of that profession upon whose province he might appear as an intruder; and there were certainly, for a time, indications of a desire on their part to do something less

than justice to their civil instructor, and to appropriate to themselves, not only the glory of executing, with consummate skill and valour, an operation which depends above all others for its success on those qualities, but the merit also of having been the first to discover its practicability and importance, and to settle upon scientific principles the conditions on which depended its safety and success.

These feelings, however, we had been led to believe, had long since given way; and, after the first mortification was over—after Clerk's *Naval Tactics* had become a Manual in the British navy—after the repeated testimony of persons in the highest official stations, and the public admissions of the most illustrious commanders—after the distinct statement in this Journal in the year 1805—after the publication of Professor Playfair's luminous Essay on Naval Tactics in 1821*—the decided testimony of Sir Walter Scott in the Life of Napoleon in 1827—and the undoubting acknowledgment made, as it were, in the name of the profession, in the Introduction contributed to the last edition of Mr Clerk's work, by a Naval officer, who, though he withholds his name, is generally known to be eminently entitled to speak with authority on such a question, both from his own professional learning and judgment, and as connected by his birth with its very highest honours—we certainly thought the matter no longer liable to serious dispute; and were by no means prepared for the revival of the original controversy.

Revived, however, it has been, with more than its original keenness, and in a way which bids fair to attract more of the public attention. It was first set a-going, we think, by some learned discussions, and sceptical remarks, in Admiral Ekins' meritorious but desultory and miscellaneous history of our Naval Battles. This was succeeded by the *Statement* of Sir Howard Douglas;† and the discussion, thus once more afoot, has been followed up in a more popular and eager tone, by a very able and elaborate article in No. 83 of the *Quarterly Review*, to which Sir Howard Douglas has since published a reply, in his *Addi-*

* In the *Transactions of the Royal Society of Edinburgh*, vol. ix.

† This *Statement*, now circulated as a pamphlet, was first published as an introduction to the second edition of the author's *Treatise on Naval Gunnery*—a work which reflects great credit upon Sir Howard as a scientific soldier, and which has, indeed, been adopted as a Manual for professional students both abroad and at home. In consequence of the very favourable mention of it by Baron Charles Dupin, in his well-known work on Britain, it was translated into French in 1826, by M. Charpentier, an intelligent officer in the Royal Corps of Marine Artillery in France.

tional Statement, and by some important publications in No. 15 of the *United Service Journal*. These writers, we are concerned to say, are generally adverse to the claims of Mr Clerk—though so pointedly opposed to each other as mutually to detract from their authority, and respectively to disable their judgment. Sir Howard Douglas, with pardonable and pious partiality, is for giving the whole credit of the suggestion to his gallant father, the late Sir Charles—and in this he is abetted, not only by a large band of naval officers, but by the Editor of the *United Service Journal*. The Quarterly Reviewer, again, is fierce for Lord Rodney—while Admiral Ekins, whose book embraces a great miscellany of remarks and contributions from various quarters, cannot be said to have any fixed or consistent opinion of his own on the subject, but successively abets the pretensions of all the three candidates—though with a leaning, we think, to Sir Charles Douglas, as against Rodney, and to both or either of these gallant officers, as against the civilian.

In these circumstances—being civilians ourselves—and Scotchmen—being also somewhat disposed, from consistency, to maintain our original opinion, and called on, as lovers of fair play, to take the part which seems least provided with defenders—but above all, being firmly convinced that it is the just and the right part, and that it can be triumphantly and unanswerably proved to be so, with no great trouble,—we have felt ourselves called on to buckle on our armour once more in this cause, and now proceed fearlessly to the field, to make it good against all opponents. The proofs which we are prepared to produce, might, no doubt, have been more numerous, if this attempt to unsettle public opinion had been made at an earlier period, when witnesses were alive, and documents accessible that have since disappeared. But we are in no fear of the result, even as the case stands; and unprovided as we were, comparatively, for this unexpected granting of a new trial, we have yet been enabled to collect such evidence as we feel confident will ensure us an unanimous verdict from the country, on which we now put ourselves. The most natural course, we think, for us to follow, is first of all to make out our own case, without any reference to that of our opponents—to lay first before our readers, in one plain and unbroken series, the grounds upon which Mr Clerk's claim to the merit of this discovery seems to us to be incontestably established, and then to consider the pretensions which have been respectively advanced by his competitors. Before doing this, however, it may be proper to dispose of a preliminary matter, which has been revived, we think somewhat unnecessarily, in the recent discussions, and seems to admit of a very summary adjustment.

The question is, as all our readers are aware, whether Mr Clerk had suggested and explained to Admiral Rodney or Sir Charles Douglas, the splendid manœuvre which they put in practice in April 1782, and to which, it is admitted on all hands, that the victory of that day was owing,—or whether one or other of those brave officers had of themselves conceived the idea of that manœuvre, and put it in practice, without being indebted to any one for the suggestion. This is undoubtedly the only question now at issue,—and it being farther admitted, that the manœuvre had not been practised or heard of in the navy, in the memory of any one then in existence, it must seem not a little idle to mix up with this question any enquiry into the absolute originality of the manœuvre, or to perplex it by bringing forward obscure and ambiguous notices of something of the same kind having been practised in the wars between England and Holland, in the time of the Protectorate,—or noticed, as one of the resources of naval warfare, in *L'Art des Armées Navales* of the Jesuit Paul Hoste, published in 1697. It is certain, that in 1782, no such manœuvre was known, or thought of, in the navy of Great Britain, or of any other country. If it had ever been known before, therefore, it had then been so long forgotten and discredited, that its revival was equal to a new discovery,—and this, indeed, is necessarily assumed, and taken for granted, in the very existence of a controversy, the object of which is to ascertain which of three persons had the merit of discovering or reviving it in that year: Since, to the determination of *that* question, it is obviously a matter of perfect indifference, whether a similar manœuvre can now be shown to have been practised by Sir George Aiscough in 1658, or commented on by Paul Hoste in 1697. But the truth is, that there is no reason to think that any of the gallant and ingenious persons, whose merits we are now considering, had been anticipated in this respect, by the wisdom or genius of their ancestors; or that the manœuvre of dividing the enemy's line had ever been either practised or contemplated, as it was in 1782, and has been ever since. It is no doubt true, that in the despatches of 1658, and in the accounts of other naval encounters about the same time, incidental mention is made of various of the ships engaged having passed through the body or array of the adverse squadron. But, as is well observed by one of Admiral Ekins' correspondents or contributors, there is every reason to think that there was no such thing known or observed in that age as a regular line or order of battle,—the practice being, for the strongest or most adventurous of the vessels engaged to charge through the body of the enemy, whenever there seemed an opportunity of doing so with advantage; so that, in the course of a long gene-

al action, it often happened that the greater part of both fleets had repeatedly charged and passed through each other, in all the varieties of an irregular and sanguinary *melée*; and, at all events, it seems quite certain, that no calculations had ever been made, nor any principles laid down, to determine the nature or character of the advantages to be gained by an attacking squadron bearing down, as it were in column, on the line of an enemy on the defensive, and separating that line into halves, against either of which it might systematically bring the whole of its own force to act. *This, however, and this only, is the manœuvre which Mr Clerk discovered and Rodney carried into operation; and this alone, after its principles had been thus scientifically demonstrated and practically explained, is worthy of the name of a discovery or improvement, or of the competition either of naval officers, or of men of genius at land.*

With regard again to the worthy Jesuit, Père Hoste, we think it is plain to demonstration, that he was at least as innocent of the knowledge we now possess, as the valiant captains who are supposed to have anticipated Rodney, in the time of the Protector; and are confident, that no one who peruses his book, will allege that he had even a remote glimpse of the truths, reasons, and demonstrations, on which the discovery of Clerk was founded. He has, to be sure, a brief section entitled, *Traverser l'armée Ennemie*, and has referred to several battles, with the Dutch especially, in which the hostile fleets are recorded to have mutually passed through each other. It is perfectly evident, however, that so far from considering this as a laudable or advisable manœuvre, or being in any degree aware of the peculiar advantages which Mr Clerk has proved to belong to it, he regards it as at all times a very rash and desperate proceeding, and has no notion of its possessing these advantages. He says, indeed, in express terms, (p. 393 of the original folio edition of 1697,) that 'it ought never to be adopted, except in 'one or other of the following cases,—1st, Where one is compelled to it, to avoid a greater evil: 2d, Where the enemy, by 'leaving a great gap in their own line, leaves a large part of 'ours without an opponent; or, 3d, Where several of the enemy's ships are disabled, in which case, it may be advisable to 'stand across their line, in order to secure and cut them off 'from the rest.' He adds immediately after, as a *fourth* case, that 'if any of our own ships have been surrounded by the enemy, it may be allowable to cross their line, to relieve them; but 'that even then, the greatest precaution should be observed,— 'and in particular, the ships so crossing should keep extremely 'close to each other, and during the operation should crowd all 'sail, and not think at all of fighting, while it lasts.'

This, in fact, is the substance of the Reverend Father's observations on crossing the enemy's line; and we leave it to our readers to judge, whether Mr Clerk's Essay can be regarded as a mere amplification, or repetition of them. That the learned Jesuit had not the most distant notion of the actual value and effect of that operation, is demonstrated, indeed, by the tenor of the two immediately preceding sections of his work; one of which is entitled, *Forcer les Ennemies au Combat*, and the other, *Doubler les Ennemies*. Now, the true definition of Mr Clerk's manœuvre, corresponds exactly with these titles—and in any treatise which should now be written under these titles, the operation of cutting the line would not only be prominently introduced, but would, in fact, appear almost exclusively and alone. The first great use of the manœuvre undoubtedly is, to force the enemy to battle; and the means it affords for effecting this, is the power it bestows of doubling up on a part of their line, and either dealing with it on terms of decisive advantage, or compelling the whole to come to close and conclusive action. Yet, in the Jesuit's two chapters on these subjects, this manœuvre of cutting the line is *never once alluded to*; and plainly was never dreamed of as a means of accomplishing either of the two objects which these titles express. His only recipe for forcing on an action, is for each ship to mark her opponent in the enemy's line, and to bear down on her in such a parallel as to secure the arrival of the whole *dans un bel ordre—comme la figure se fait voir*; and the plate accordingly does show the two lines verging towards each other with the most beautiful regularity. There is scarcely any thing added on the subject, but some directions how to bear up and stretch ahead from the leeward; and an admonition occasionally to detach a few of the best sailers to advance on the enemy's van, and retard them till the rest can come up. The chapter on Doubling on the Enemy, is still more decisive—the only direction for effecting that object being, to leave a part of your rear to take the opposite flank of the enemy, after the rest of your line has ranged fairly along theirs from end to end, on the other flank; an operation which can only be performed with safety, he says, when you outnumber the enemy by so many ships as to leave a disposable *tail* (queue is the word) for that purpose, after all the rest have been properly fitted with partners: Where there is not this superiority, the manœuvre, he says, can only be accomplished by leaving a large gap in a part of your own line, opposite to the weakest part of the enemy's, and in this way getting the said disposable tail to drop behind the extreme rear of the enemy, and then to pass by, or round it—by no means *through*—and so to run up on the opposite flank from that on which your original line is

already ranged in order. From first to last, there is not a hint of doubling on the enemy by means of cutting their line in the middle.

So much then for the old practice, and the earlier discovery of Father Hoste. If Mr Clerk had studied that work from his infancy, it is plain he could have learned nothing from it of what he was afterwards destined to discover and explain. But the truth is, we believe, that, at the time of publishing his own work, he had never seen or heard of it. It is certain that he had no copy of it in his library;* and if it had been within his knowledge, we are convinced he would have mentioned it—not certainly as a source from which he had derived any information—but as a striking example of the possibility of studying and writing elaborately on a subject, without perceiving its most obvious and important capabilities. We now return to the question properly before us.

The *first* fact, and it is one of vital importance in the cause, is, that long previous to 1782, Mr Clerk had fully ascertained and demonstrated, by reasoning and calculation, the advantages of bearing down in column on the enemy's line, and cutting it in two. This is conceded on all hands, and has never, indeed, been disputed. It may also be assumed, we think, that he arrived at this conclusion by his own unassisted reflection and observation, and without aid either from Paul Hoste, or the accounts of Dutch battles: at all events, it is quite certain that, in these his private studies and meditations, he had learned nothing from Sir George Rodney or Sir Charles Douglas, and was no way indebted to *them* for whatever he had then made out, in his learned retirement at Eldin. It is admitted by the advocates of both these gallant officers, and made, indeed, a part of their case, that the idea of such a manœuvre had not occurred to either of them, till very recently before it was reduced to practice; and, indeed, as to one of them, till the very moment of its actual execution. Undoubtedly, in January 1780, neither of them had contemplated such a mode of proceeding—most probably had never heard of it; or, at best, knew it only as a violation of the established rules for engaging an enemy, for which, among other imputed errors in his action off Toulon, in 1744, Admiral Mathews had been broke by the sentence of a general court-martial. But

* We do not know where the Quarterly Reviewer learned that, till his notice of it, Hoste's book was not to be found, and had never even been heard of in Edinburgh. The writer of this article, by no means either a curious collector, or a student of naval tactics, has had a copy of it in that city for more than twenty years; and had been familiar with another for a still longer period.

before January 1780, it is certain and admitted, that Mr Clerk had completed his demonstration of its incalculable advantages; and was at that time the only individual who either believed in its practicability, or knew the reasons on which that belief could be defended.

This is the *first* and fundamental fact in the case. The *second* is, that Mr Clerk, when in London, from November 1779, till February 1780, was most anxious to communicate his theory of naval tactics, and especially his project of breaking the enemy's line, both to scientific and to professional persons, *and particularly to Sir George Rodney*, with an intimate and confidential friend of whom he had various meetings by appointment, expressly for this purpose, and who undertook to make the communication, retaining in his hands for this end the sketches and demonstrations with which Mr Clerk had illustrated his verbal explanations. He had, at the same time, several meetings with *Sir Charles Douglas*, in presence of a number of distinguished persons, when his whole plan of tactics was, in like manner, fully discussed. These communications were had in 1779 or 1780: But it is also a most material and indisputable fact, that the first part of the *Naval Tactics*, containing a full demonstration of the advantages of breaking the line, was actually published in London on the *first of January 1782*, and that *Sir George Rodney* did not leave England till the 15th of that month, nor meet the enemy till three months after.

If these facts can be proved, we suppose few people will require more; or be sceptical enough to doubt, who was the real author of the manœuvre adopted by those very individuals, *Sir George Rodney* and *Sir Charles Douglas*, in April 1782. Now, the first of them is most distinctly stated by Mr Clerk himself, in the preface to the second edition of his work, published when most of the parties concerned, we believe, were alive, and when, so far as we are aware, no public impeachment of his originality, or claim by any one else to a share in his discovery, had ever been made. It is of importance that the reader should see his own precise and unequivocal words.

‘In January 1780, when I was in London, being fully impressed with the importance of the naval ideas which long had been working in my imagination, and in consequence of the strictures on Lord Keppel's engagement sent the year before, some appointments, for the purpose of farther communication on this subject, were made by my friends. Among the first of these was an appointment with *Mr Richard Atkinson*, the particular friend of *Sir George Rodney*, who was then in London, and was immediately to set out to take the command of the fleet in the *West Indies*. At this meeting, the whole of my acquisitions on the subject of *Naval Tactics*, for many years back, was discussed. I communicated to

Mr Atkinson the theories of attack both from the windward and the leeward; the first as contained in the first part of this Essay; the last as contained in the second part, now published a second time. *I particularly explained my doctrine of cutting the enemy's line, &c. as set forth in both first and second parts.* I also produced the paper of strictures on Lord Keppel's rencounter of the 27th of July, which contained all my general ideas on the subject of Naval Tactics. All this *Mr Atkinson undertook to communicate to Sir George Rodney*; which he could have no difficulty in doing, as I left in his custody sketches made according to my usual method of demonstration, together with the necessary explanations.

The fact of this communication with Mr Atkinson *has never been disputed*; and it must go far, we think, of itself to settle the present question, with all unprejudiced minds. It has been lately suggested, indeed, by Sir Howard Douglas, that if this communication was not made till January 1780, it could not have reached Sir George Rodney personally at the time, as he is known to have sailed for the West Indies on the 25th or 26th of December 1779. This, however, with great submission, is little better than cavilling. Mr Clerk says distinctly, that *Sir George was then in London*, and only 'about to set out immediately for the West Indies.' He himself, as can still be shown by correspondence, was in London from Nov. 1779 till Feb. 1780; and, when writing his preface, at the distance of many years, without a view to controversy, or critical attention to dates, may very well have mistaken, by a few weeks, the period of his communication with Mr Atkinson; while it is plainly altogether inconceivable, either that he should have been ignorant of the substantial, and to him very important, fact, that Sir George was actually in London at the time, and only preparing for his voyage, or that he could have intended to misrepresent the public historical date of his actually sailing on that voyage. The matter after all, however, is of very little practical importance; since, even if Sir George had sailed before the discussion with Atkinson, that individual had abundance of time to make the communication before the gallant admiral sailed a second time, on his more fortunate voyage, in January 1782. Sir George returned from the West Indies in July or August 1781, and is known to have attended his duty in Parliament for several months in the close of that year, having been at least five months in London, where his friend Atkinson was constantly resident, previous to his sailing on the 15th January 1782; more than a fortnight, it may be observed, after the first edition of Mr Clerk's work was actually published.

It is also insinuated, as something remarkable, that no written document should have been taken from Mr Atkinson, and none of the friends' names specified through whom th

view was effected, and who might probably have been witnesses of what passed on the occasion. The answer to all this is, that, when he made that statement in his preface, Mr Clerk could have no idea that any such controversy, as has now arisen, would ever occur; and though it was natural for him to take advantage of the first opportunity, after the splendid exemplification of his theory in 1782, to explain historically how that event was connected with his speculations, it certainly could not occur to him to produce, and put on record, regular legal evidence of a fact, which he had no occasion to suppose would ever be disputed, and which we shall immediately show had been, and to his knowledge, publicly and openly admitted by the party principally concerned. It may fairly be assumed to be *impossible*, that he should have put forth this historical statement in that preface, if he had been conscious that it was not accurately true; but, being so conscious, it is submitted to be equally plain, that nothing but such a statement could then appear requisite; and that it is rather unreasonable, after the lapse of near fifty years, to call for proofs that might easily have been obtained at the time, but which no one at the time had thought of requiring; and as to a fact, which, even at the present moment, no one has brought into question. We assume, therefore, as another element in our case, that, before Sir George Rodney sailed in December 1779, Mr Clerk had communicated his project of this famous manœuvre, in all its details, to an intimate friend of that gallant officer, for the purpose of being explained and recommended to him; and that this friend did undertake so to communicate it.

With regard to Sir Charles Douglas, the case stands somewhat differently. Mr Clerk, in his preface, certainly does not *name* that gallant officer; but merely states that he had communicated his ideas to a variety of professional persons. It is perfectly well known, however, and can be proved by a number of his surviving friends, that he always averred that Sir Charles Douglas was among the individuals with whom he had so consulted—that he had entered largely into the discussion with him; he being one of the persons upon whom he had found it unusually difficult to impress some particular parts of his system. The nature of these averments, however, is fortunately already on record, in Mr Playfair's *Treatise on the subject*, published in 1821, in which, speaking expressly on the authority of Mr Clerk, he states,

‘Sir Charles Douglas, before leaving Britain, had many conferences with Mr Clerk on the subject of Naval Tactics, and, before he sailed, was in complete possession of that system. Some of the conferences with Sir Charles were by the appointment of the late Dr Blair, prebendary of Westminster; and at one of these interviews were present Mr William

and Mr James Adam, with their nephew, *the present Lord Chief Commissioner for Scotland*. Sir Charles had commanded the Stirling Castle in Keppel's engagement; and Mr Clerk now communicated to him the whole of his strictures on that action, with the plans and demonstrations, on which the manner of the attack from the leeward was fully developed.

'The matter which Sir Charles seemed most unwilling to admit, was the advantage of the attack from that quarter; and it was indeed the thing most inconsistent with the instructions given to all admirals.'

Now, the only one of the persons here referred to, who yet survives, is the venerable Judge above mentioned—and he, upon being applied to, after the late publication of Sir Howard Douglas, was pleased to state in a letter, dated 17th November 1829, which is now before us, that he cannot recollect having been present at any meeting between the parties, by the appointment of the late Dr Blair; but that he perfectly recollects, that *Sir Charles Douglas and Mr Clerk met at his* (the Lord Chief Commissioner's) *own house in Chesterfield Street, Mayfair, during Mr Clerk's visit to London, in the end of 1779, or beginning of 1780, when Mr Clerk's plans of Naval Tactics were fully discussed between them.* The original of his lordship's letter shall be submitted to the inspection of any one who may wish to peruse it. We will by and by lay before our readers another letter, from a near relation of the late Lord Cranstoun, who was in the admiral's ship on the memorable 12th April 1782, and was the individual who brought home the despatches announcing that important victory, which embodies that noble lord's testimony, that the manœuvre in question 'had been suggested to Sir Charles Douglas, in a conversation with Mr Clerk a considerable time before.' Thus remarkably corroborating the direct testimony of the Lord Chief Commissioner, and the distinct and articulate statement of Mr Clerk himself, as put on record by Mr Playfair.

If we were to stop here, we think we might be held to have made out our case. It is admitted that Mr Clerk invented, demonstrated, and matured the discovery in question, years before it had been thought of by any other person. It is proved that he took the greatest pains to have it communicated to Sir George Rodney in the end of the year 1779, and obtained a solemn promise from Sir George's most intimate friend, whom he was seeing every day, that it should be so communicated; and it is proved that about the same time it was communicated to, and fully discussed with, Sir Charles Douglas, in more than one personal interview. Within less than eighteen months after these communications, these very two persons, Sir George Rodney and Sir Charles Douglas, sailing together in his Majesty's ship the *Formidable*, are found carrying that very manœuvre, till this

time confessedly unheard of in the navy, into operation, upon the very principles and with the very results which Mr Clerk had predicted ! Laying the conclusive proof of the direct communication to Sir Charles Douglas out of the question, we would ask any man of plain understanding, what conclusion he would draw from the admitted and undeniable facts, of Clerk's previous and original discovery—of his communications to Atkinson, for the purpose of having that discovery conveyed to Sir George Rodney—and of the subsequent adoption of this new and startling manœuvre by that same Sir George Rodney, within little more than a year after we find Atkinson had undertaken to explain and recommend it to him ? Upon *that* state of the fact, it is *possible*, no doubt, that Atkinson may have neglected to make the communication which he had undertaken to make, and had no motive for neglecting ; and it is *possible* that, while no other officer, and no other human being, had, up till this time, dreamed of the manœuvre, this very Sir George Rodney, alone of all mortals, should of himself have again devised and conceived this very manœuvre—that, without preparation or study, he should have *repeated* the discovery at which Clerk, after much study and preparation, had previously arrived ; and even that he should have ventured to carry it into effect, at the very moment it first occurred to him, in contradiction to all his own prejudices and those of the profession, and in violation of the standing instructions in the service, to which he had till then given the most implicit obedience. Such a coincidence, we repeat, may be *possible* ; but this is all that can be said of it ; and it is only possible, as other things are, which no sane person, however, will believe, except to escape from an absolute impossibility—only possible, as the production of an Iliad may be, by jumbling a load of types together at random, or the simultaneous composition of *two* Iliads by persons on the opposite sides of the globe. Or, to illustrate this by a nearer and more familiar example, suppose an ingenious man, a little skilled in architectural drawing, knows that his neighbour is about to build a house, and is kind enough to plan and draw out for him a complete and original design, and to give this, with various relative calculations and estimates, to a common friend, to be delivered and recommended to the person about to build—and that, without enquiring farther about the matter, he sees, in the course of next season, the very building which he had explained and designed, in all its parts and proportions, rising gradually on his neighbour's lawn, and finally attracting universal admiration by its convenience and finished beauty—Would any man in his senses doubt from whom the plan had been derived, or require any farther evidence that the whole merit of the invention belonged to the volunteer artist,

and that it had not been invented a second time, by the worthy person who profited by it? more especially if the plan was altogether unlike any thing that had ever been seen in those parts before; and if the man, on whose grounds it at last sprung up, had been known never to have turned his thoughts to such subjects, or to have entertained violent prejudices against the style in which it was conceived. Even this, however, we submit, is a weaker case than that with which we have now to deal; and, if the direct communication to Sir Charles Douglas be taken into view, an incomparably weaker case.

But it does not stop here. There is, fortunately, the most complete and convincing evidence, both that the full credit of the invention was given to Mr Clerk by Sir George Rodney, at and before the moment when it was put in execution, and was ever after openly acknowledged by him. One of the most considerable persons on board the *Formidable* during this remarkable campaign, was the late Lord Cranstoun, then a post captain in the navy, but serving for the time as a volunteer with Rodney, and very much in his confidence. It was to this noble person accordingly, that the gallant admiral intrusted the despatches which contained his account of this memorable action; and in the body of which he is mentioned in these honourable terms: ‘Lord Cranstoun, who acted as one of the captains of the *Formidable* during both actions, and to whose gallant behaviour I am much indebted, will have the honour of delivering these despatches. To him I must refer their Lordships, for every minute particular they may wish to know, he being perfectly master of the whole transaction.’

A more authoritative witness than Lord Cranstoun, therefore, cannot possibly be imagined; and though he was unfortunately dead before any of the friends of Mr Clerk had reason to think his testimony could be necessary, we are happy to say that the substance of it is still preserved in the letters we are about to quote from his two surviving cousins-german, with one of whom he dined on the very day he arrived with these important despatches; and had frequent intercourse with the other when he came, in the course of the same summer, to this part of the country, to pay a visit of thanks and congratulation to Mr Clerk, with whom he had no previous acquaintance. The letter or minute of Mr H. Cranstoun, of which the original is now before us, and shall be shown to any one who may wish to inspect it, is as follows:

‘Though more than forty-seven years have elapsed since the conversation, of which I now convey to you the particulars, took place, I have a perfect recollection of every part of it; and I confidently vouch for the rigid veracity of every particular detailed in it.

‘ Lord Cranstoun arrived at the Admiralty, with despatches from Lord Rodney, on the 18th May, 1782. *I dined with him on that day, at the Royal Hotel in Pall-Mall.* The conversation naturally turned on the various circumstances of the battle, of which he had brought the account, and particularly the decisive manœuvre that obtained the victory. *Lord C. asserted, that the idea of breaking through an enemy’s line of battle had been suggested by Mr Clerk of Eldin, in a conversation which that gentleman had with Sir Charles Douglas a considerable time before ; and that it was adopted by Lord Rodney, to whom it was communicated at a dinner party in London, previous to his sailing to the West Indies in the beginning of 1782. It had been repeatedly the subject of conversation and discussion at the Admiral’s table on board the Formidable, before the opportunity of carrying it into execution took place on the 12th April.*

‘ I have consequently a decided conviction that Mr Clerk was the original proposer of this celebrated manœuvre, and that Sir Charles Douglas could claim only the merit of recommending it to Lord Rodney.’

This testimony, we submit, is absolutely conclusive ; and it is confirmed in all its material parts by another letter from Lord Corehouse, (one of the Judges of the Court of Session,) also a cousin of Lord Cranstoun, and residing in Scotland when his Lordship came to pay the visit that has been alluded to, to his instructor. That visit made, as might have been expected, a considerable sensation in Mr Clerk’s family, and was not only very gratifying to himself, but was firmly riveted in the memory of his children, to one of whom Lord Corehouse lately addressed a letter, of which the following is an extract, the original being preserved for the inspection of any one having interest in the discussion. The material passage is as follows :—‘ I remember, after Lord Cranstoun’s return from the West Indies, but in what year I cannot now tell, that he said to my father, when I was present, *that he was going to Eldin to visit your father ;* and he used an expression of the import you mention, saying, “ *Mr Clerk taught us,*” or “ *Mr Clerk is our master.*” I suppose it is 35, or perhaps 40 years since I first told you this, when the circumstances were fresh in my recollection. You seemed pleased at the time, and said you remembered Lord Cranstoun’s visit to Eldin, and that your father and he discussed Rodney’s battle at great length.’

But the matter does not rest even here. While, up to the present moment, there is not a particle of evidence to show that Lord Rodney ever positively claimed for himself the merit of having first invented or suggested the brilliant manœuvre which

he was certainly the first to put in practice, there is redundant and overwhelming evidence that, on a great variety of occasions, he distinctly and emphatically conceded that merit to Mr Clerk, and continued to the last to express a generous and enthusiastic admiration of the great merit and importance of the discovery.

Mr Clerk himself, it will be recollected, says distinctly, in his preface, which was before the world upwards of thirty years, without any contradiction from the friends of Lord Rodney, 'From the best authority, I have been informed, that Lord Rodney himself at all times acknowledged the communication; and, having from the first approved of my system, declared, *even before he left London, that he would strictly adhere to it in fighting the enemy.*' And afterwards, 'Sir George Rodney himself, when he arrived in Britain, *made no scruple to acknowledge that I had suggested the manœuvre by which he had gained the victory of the 12th April, 1782.*' From the following very important passage of Mr Playfair's Treatise we may learn upon what authority Mr Clerk made the first allegation, and with how much correctness he followed it up by the second:—

'Lord Rodney, who had done so much to prove the utility of this system, in conversation never concealed the obligation he felt to the author of it. Before going out to take the command of the fleet in the West Indies, he said one day to Mr Dundas, afterwards Lord Melville, "There is one Clerk, a countryman of yours, *who has taught us how to fight*, and appears to know more of the matter than any of us. *If ever I meet the French fleet, I intend to try his way.*"

'He held the same language after his return. Lord Melville used often to meet him in society, and particularly at the house of Mr Henry Drummond, where he talked very unreservedly of the *Naval Tactics*, and of the use he had made of the system in his action of the 12th of April. A letter from General Ross states very particularly a conversation of the same kind, at which he was present. "It is (says the General) with an equal degree of pleasure and truth, that I now commit to writing what you heard me say in company at your house, to wit, that at the table of the late Sir John Dalling, where I was in the habit of dining often, and meeting Lord Rodney, I heard his lordship distinctly state, that he owed his success in the West Indies to the manœuvre of breaking the line, which he learned from Mr Clerk's book. This honourable and liberal confession of the gallant Admiral, made so deep an impression on me, that I can never forget it; and I am pleased to think that my recollection of the circumstance may be of the smallest use to a man with whom I am not acquainted, but who, in my opinion, has deserved so well of his country."

'As a farther evidence of the sentiments of the admiral on a subject where they are of so much weight, I have to quote a very curious and valuable document, a copy of the First Part of the *Naval Tactics*, with Notes on the margin by Lord Rodney himself, and communicated by him

to the late General Clerk, by whom it was deposited in the family library at Pennicuick. The notes are full of remarks on the justness of Mr Clerk's views, and on the instances wherein his own conduct had been in strict conformity with those views. He replies in one place to a question which Mr Clerk had put, (published after the action in spring 1780,) of which mention has been already made, concerning the conduct of that action. The first signal of the admiral, as we have already seen, was for attacking the rear with his whole force. The French, perceiving this design, wore, and formed on the opposite tack. This made it impossible immediately to obey the admiral's signal, and the next that he made was for every ship to attack her opposite. Mr Clerk's question was, Why did Sir George change his resolution of attacking the rear, and order an attack on the whole line?—Sir George answers to this, That he did *not* change his intention, but that his fleet disobeyed his signals, and forced him to abandon his plan.

‘An anecdote which sets a seal on the great and decisive testimony of the noble admiral, is worthy of being remembered; and I am glad to be able to record it on the authority of a noble earl. The present Lord Haddington met Lord Rodney at Spa, in the decline of life, when both his bodily and his mental powers were sinking under the weight of years. The great commander, who had been the bulwark of his country, and the terror of his enemies, lay stretched on his couch, while the memory of his own exploits seemed the only thing that interested his feelings, or afforded a subject for conversation. In this situation, he would often break out in praise of the *Naval Tactics*, exclaiming, with great earnestness, “John Clerk of Eldin for ever!”

‘Generosity and candour seemed to have been such constituent elements in the mind of this gallant Admiral, that they were among the parts which longest resisted the influence of decay.’

These latter testimonies, though they seem of late to have been too much forgotten, have been long before the public; but we are now about to refer to others, if possible still more decisive, which have not yet seen the light. The first is a letter from the late John Fordyce, Esq. of Ayton, who was long, if we recollect rightly, Surveyor of Woods and Forests, and who addressed it, in the year 1809, to the late Mr Clerk, who seems then, *for the first time*, to have heard some rumours of a disposition to rob him of the glory of his great discovery. The following is an exact copy of the whole letter. The original is in the possession of Lord Eldin, Mr Clerk's eldest son.

‘My good old Friend,

‘A good many years ago, I think in the year 1786 or 1787, when I was living with my friend Colonel Fullarton, in Berkeley Square, *Lord Rodney one day dined with us*, and being very communicative, he gave us a very interesting account of his own great actions, which engaged our attention much; *the more from his giving You a chief share in the merit.*

He declared that he had followed the plans and principles recommended in your Naval Tactics, a work to which he gave the highest praise. I was so much pleased, and so much struck with what he said, that I know I communicated it soon after, either to yourself, or to my worthy and intimate friend, your brother-in-law. If I did so by letter, of which I cannot now be certain, I refer to that letter for a more particular account of what he said; recollecting that he was copious and minute in his details, and I am led now again to mention that conversation from my old friend Adam having lately told me, that some person had represented Lord Rodney as having held a different language, claiming himself the merit of the discovery of that system of attack, which I heard him so explicitly and unequivocally give to you. Indeed I happened on another occasion, and a very remarkable one, to hear this declaration of Lord Rodney's very strongly confirmed by another unquestionable testimony. I happened to be down at Walmer Castle with Mr Pitt at the time of Lord Duncan's great battle on the coast of Holland; Lord and Lady Melville were living with him at the same time. We were sitting drinking a glass of wine, I remember, after dinner, when a man, whose name I do not at present recollect, a smuggler, came rather abruptly into the room and told us, he had just come on shore from his vessel, returning from the coast of Holland, where he had witnessed the great victory gained by Lord Duncan. He described the action, and having mentioned the breaking through the line, Lord Melville took notice of that new instance of the success of your system; and then mentioned Rodney's having often told him, that he had taken that mode of attack from you; and this Lord Melville again told me a few days ago, just before he went to the North, that Lord Rodney had repeatedly mentioned in his hearing—and I know that Lord Melville will most willingly confirm this to yourself, to Adam, or to any other friend who may desire it. Give my best compliments to your family, and believe me, my dear Sir, very sincerely yours,

(Signed)

JOHN FORDYCE.

'Putney Hall, 11th June, 1809.'

'John Clerk, Esq. of Eldin.'

We can scarcely conceive any thing more decisive than this. But as the matter was then for the first time supposed to have taken an aspect of controversy, application was soon afterwards made to Lord Melville, in consequence of Mr Fordyce's suggestion; and his Lordship in the following year (1810) was kind enough to draw up in his own hand-writing, a Memorial of all he recollected on the subject, which he put into the hands of the Lord Chief Commissioner, for the purpose of being delivered to Mr Clerk's family—and it also is now accordingly in the possession of Lord Eldin. In that paper, Lord Melville, who, it will be recollected, as Treasurer of the Navy, had the best access to all such information, confirms in the fullest manner every thing that is stated by Mr Fordyce; and he transmitted at the same time, the letter from General Ross, a portion of which

we have already copied in our extracts from Mr Playfair's *Essay*. Indeed, the greater part of the context of that extract *is in the very words* of Lord Melville's Memorial, which was in the hands of Mr Playfair, when he drew up this statement; and does not therefore require to be here repeated. It states in the most positive and distinct manner, that he had *very frequently* heard Lord Rodney acknowledge that he had got his first idea of the manœuvre in question from Mr Clerk; and, in particular, that he had so expressed himself, *before sailing for the West Indies in 1782*; and that, though the subject was often discussed after his return, he never varied from that first statement, or failed to ascribe the merit to the true author. Now, considering that *there is not yet before the public* any statement or testimony directly to an opposite effect, or importing unequivocally either that Lord Rodney ever claimed the discovery as his own, or denied that it belonged to Mr Clerk, we humbly conceive that the matter can no longer be regarded as doubtful; and cannot but think that few debateable matters have ever occurred, which, after so long a period, could still be confirmed by proofs so conclusive. A great part, however, of the indirect evidence which has been represented as hostile to the claims of Mr Clerk, appears to us, when illustrated by the positive facts which we think we have now established, to constitute the strongest and most extraordinary *confirmation* of these facts. We must be allowed, therefore, to say a word or two on some of the most remarkable parts of that evidence.

And we must beg our readers' attention, in the first place, to the following remarkable passage in the *Memoirs* of the late ingenious Mr Cumberland, in which, speaking of a period recently before the termination of the American War, he says—

'It happened to me to be present, and sitting next to Admiral Rodney, when the thought seemed first to occur to him of breaking the French line, by passing through it in the heat of the action. It was at Lord George Germain's house at Stourland, after dinner, when, having asked a number of questions about the *manœuvring of columns*, and the effect of charging with them *on a line* of infantry, he proceeded to arrange a parcel of cherrystones which he had collected from the table, and forming them as two Fleets drawn up in line, and opposed to each other, he at once arrested our attention, which had not been very generally engaged by his preparatory enquiries, by declaring he *was determined so to pierce the enemy's line of battle*, (arranging his manœuvre at the same time on the table,) if ever it was in his power to bring them into action. I daresay this passed with some as a mere rhapsody; and all seemed to regard it as a very perilous and doubtful experiment, &c.; and he concluded his process, with swearing he would lay the French admiral's flag at his sovereign's feet,—a promise which he actually performed,' &c.

Now, this appears to us to afford a very striking confirmation of Lord Malville's statement of the gallant admiral's intimation to him, about the same period, that *Mr Clerk* had taught them how to fight the enemy; and that if ever he came up with the French fleet, 'he was determined to try *his way*.' Nor does it in the least detract from the value of this confirmation, that in this conversation at Lord George Germain's he did not mention the name of the person by whom the idea had been suggested, or that Mr Cumberland supposed that it had originated at the moment with himself; though, with all deference to his penetration, we must observe, that the whole course of the dialogue, as reported, the preparatory questions as to analogous operations in land war, and the ready exhibition of his own manœuvre with the cherrystones on the table, seem to us to point very clearly to a different conclusion; and to indicate, *first*, that the notion was *not* taken up by him at the moment, or on the spot, but had been the subject of previous discussion or reflection; and, *second*, that it was not the original or cherished offspring of his own genius, but had been recently communicated and recommended to him by some other person, whose authority, upon a new and startling proposition, he was anxious to have confirmed by the testimony of persons of skill in corresponding movements. While he was thus testing the suggestion he had received, and meditating on the future execution of an experiment so interesting in itself, and to him so full of responsibility, it is not at all wonderful that he should not have thought it necessary to bring forward the name of the person to whom he was indebted for the communication, or to embarrass the *consultation* in which he had engaged the company, by a detail of his conversations with Mr Atkinson, or of the sketches and calculations that had been furnished to him by Mr Clerk.

In the same way, we think that the omission of any direct or specific notice of his having first learned this manœuvre from Mr Clerk, in the Notes with which he had enriched his own copy of the Naval Tactics, affords no ground whatever for inferring that he could not be conscious of any such obligation, or was unwilling to acknowledge it. If there be any thing at all extraordinary in such an omission, as we shall show immediately there is not, it must, we think, to say the least of it, appear still more unaccountable that there should be no hint or intimation in these Notes, of the very astonishing coincidence which must have taken place, if he had *not* learned the manœuvre from Mr Clerk—that is, if he had actually of himself, discovered, over again, that very startling and extraordinary manœuvre which he found so fully explained, and so anxiously

recommended, in that book. The copy, it will always be remembered, on which these Notes are written, bears openly on the title-page the date of 1st January 1782—so that the noble admiral could not fail to see that the manœuvre had been not only conceived, but fully investigated, and deeply considered, long before he himself sailed from England, and years probably before he carried it into effect in April 1782. Still less could he possibly imagine that the author had borrowed the idea from him. If he had been conscious, therefore, that there had been *two* independent discoveries of this same manœuvre, and had found out, for the first time, upon looking into the Naval Tactics, that he had been anticipated by a learned civilian, in the most brilliant conception and achievement of his whole professional life, is it to be conceived that he should sit down quietly to write annotations and remarks upon the author's various speculations, without once noticing this miraculous coincidence, and taking the opportunity, if the fact had been so, of asserting his own separate originality, and collecting the evidence of what was otherwise so obvious to suspicion? Considering that this gallant admiral was as far as possible from despising, or being indifferent to the fame he had so justly and hardly earned, and that he was, on the contrary, almost as sensitive on that subject, and as much delighted with the glory of his great exploits, as his heroic successor Lord Nelson himself—we do submit that his silence, in these commentaries on this record of Mr Clerk's prior discovery, is the most conclusive proof that could be imagined of his being conscious that he himself had no claim to the enviable distinction there unequivocally asserted by another, and by that very silence, allowed and acquiesced in by himself. Even if the noble admiral, therefore, had maintained the same silence as to Mr Clerk's claims, in his conversation, which he appears to have done in these annotations on his work, we should have said that *this* was the only rational interpretation which could have been put on his silence; though, while it indicated clearly his own renunciation of any share in the discovery, it might have given rise to a suspicion, that he yielded with some grudging and jealousy what he yet felt he could not justly dispute, and was willing at least that the merits of the landsman should not be unnecessarily blazoned on the records of nautical distinction. But now that we know that he was actually above this somewhat unworthy, though not unnatural jealousy,—when it appears, that in frequent, open, and familiar conversation—at Mr Drummond's—at Sir John Dalling's,—to Lord Melville, to General Ross, to Mr Fordeyce, to General Fullarton, to Lord Cranstoun, to Lord Had-

dington,—to all, in short, with whom he seems ever to have spoken on the subject, he gave the full credit that was due to his instructor,—and that freely, heartily, and loudly,—from the first anticipating glimpse he seems to have caught of its importance, and before he had reduced it so gloriously to practice, down to his generous and exulting cheer on his death-bed—it does seem to us to be nothing less than ridiculous to endeavour to spell out and infer, from the omission of any repetition of this acknowledgment in the Notes, that it had never been distinctly made, or was, upon farther consideration, ultimately grudging and retracted. Unless seven or eight men of unimpeachable honour have put their hands to a deliberate falsehood, for which they had no motive, the fact of Lord Rodney's acknowledgment of Mr Clerk's discovery, and of his being indebted for all he knew in April 1782 to that discovery having been previously communicated to him, must be held to be incontestably established : And if the noble admiral was conscious, when he wrote the Notes in question, probably in 1788 or 1789, that this acknowledgment had been so publicly made, both before he sailed in 1782, while looking for the enemy at sea, and after his return, what occasion could he suppose there was to insert a needless repetition of it in the Notes which he afterwards privately amused himself by writing on particular passages of the *Naval Tactics* ? These Notes, it will be observed, were not intended for publication, and do not embody, or profess to embody, any connected view of his own systematic opinions, and far less any historical account of the sources from which they were derived, or the occasions on which they were adopted. They are mere scattered remarks on the particular paragraphs or positions to which they are severally appended—for the most part of a correctory or practical character; and consequently not leading naturally to any general remarks, either on the originality of the suggestions, or of his own obligation to them in the course of his professional career. If the noble admiral's avowal of those obligations, had been such as to leave any doubt as to his feelings and conviction, we have already said, that no interpretation could have been put on his silence in those Notes, but one conclusive in Mr Clerk's favour ; but, taken along with the proofs we have already exhibited, of the uniform frankness and generosity with which that avowal was made, the idea of any other interpretation is not only untenable, but palpably ridiculous and absurd.

This, then, or something like this, is the case for Mr Clerk : And if the evidence on which it rests be unimpeachable, neither of the other competitors *can* have any case. With regard to Lord Rodney, indeed, there is not a word to be said. He, it

will be observed, speaking through the mouths of so many honourable friends, is the chief witness for Mr Clerk; and honours himself almost as much as his instructor, by the noble frankness and generosity of his testimony. Not a scrap of writing, or a remembered word of his, has yet been produced to the public, to impeach that testimony of inconsistency or variation. Lord Rodney, in short, not only never claimed this discovery for himself, but uniformly, promptly, and vehemently, ascribed it to Mr Clerk exclusively.

But if this be so, what case *can* there be for Sir Charles Douglas?—for Sir Charles Douglas, who never claimed the discovery for himself, but only for his chief, who has disclaimed it?—for Sir Charles Douglas, to whom the personal communications of Mr Clerk are brought home much more directly than to Lord Rodney; and to whom, at all events, that discovery *could not* have been unknown, if *any part* of the evidence fastening down the knowledge on Lord Rodney is allowed to be true? If Lord Melville is to be believed, when he says that the admiral was fully aware of that discovery before he sailed in January 1782, and was resolved to put it to the test on the first opportunity—if Mr Cumberland is to be believed, when he makes a statement precisely to the same effect—if General Ross, and Mr Fordyce, and Lord Cranstoun are to be believed, when they say that he expressly stated to them that he was indebted for his success on that great day to his previous knowledge of Mr Clerk's demonstrations—is it to be imagined, *first*, that he should not communicate this resolution, of which he spoke openly to Lord Melville, and to all the guests at the table of Lord George Germain, to his confidential and trusted friend and hourly adviser, Sir Charles Douglas, the captain of his fleet, and his necessary coadjutor in the execution of the projected manœuvre? and, *second*, that he should be startled and offended, when this adviser, having suddenly discovered for himself that manœuvre, so long meditated and suppressed in the bosom of his commander, (for that is the Douglas hypothesis,) earnestly urged him to adopt it, and experienced the greatest difficulty in overcoming his reluctance to it, as a new and hazardous experiment? The supposition is palpably monstrous; but such as it is, it is entirely *excluded*, if faith is to be given to the testimony of Lord Cranstoun, who reported to his cousin, on the very day he reached England with the news of the victory, not only that Sir Charles Douglas had first learned the manœuvre in conversation with Mr Clerk, a considerable time before, but that, previous to the action, 'it had been repeatedly the subject of conversation and discussion at the admiral's table on board the *'Formidable.'*

We will not repeat here what we have already stated, as to the miraculous coincidence which must have occurred, if either Sir Charles Douglas or his admiral had escaped Mr Clerk's pertinacious attempts to imbue them with his doctrine in 1780, and yet had, alone of all mortals, spontaneously come to an intuitive knowledge of it in April 1782, and also attained on the instant such an unlimited confidence in it, without time or means for calculation, or deliberation of any kind, as to have ventured at once to put it in execution, under the tremendous responsibility which such acting inferred. All these considerations not only apply as strongly to Sir Charles Douglas as to Lord Rodney; but apply to him with an incalculable addition of force, if his case is to be *separated* from that of the admiral, and it is to be supposed that *he* knew nothing of Mr Clerk's discovery on the morning of that day, while it is conceded, as perforce it now must be, that it was known at that time to his commander. Such a supposition, indeed, is so full of extravagance and absolute absurdity, that we are persuaded that even Sir Howard Douglas will not adopt it. If Sir Charles Douglas was ignorant of the discovery till it flashed upon his own mind in the middle of the action, it is absolutely necessary, we take it, to assume, that Sir George Rodney was equally ignorant of it—and the case of Sir Charles Douglas, indeed, is, as we understand it, that it was from him, and in that critical moment, that his commander first received the conception. If this be so, however, then all the evidence that goes to show that *Rodney* was previously aware of it, and well knew by whom it had been invented, is evidence directly conclusive against Sir Charles Douglas, and applicable to him, indeed, with infinitely greater force. But upon the sufficiency of that evidence we should now think it superfluous to say any thing.

But what, it may be asked, are we prepared to say to that great mass of evidence, which Sir Howard Douglas has so industriously collected, and beyond all dispute from the highest and most honourable sources, to show that the idea of breaking the line *did* seem to be suddenly taken up on that memorable 12th of April—that, after ranging for a considerable time along the enemy's line, on the old system of tactics, Sir Charles Douglas, on perceiving a small shift of the wind, and a casual opening of more than usual extent in the hostile array, did suddenly and eagerly suggest to the admiral, that he should take advantage of these circumstances, and lead *through* the enemy's line with his own ship—that the admiral was at first unwilling to hazard the experiment—that a sort of altercation ensued, during which contradictory orders were given to the man at the helm by those two gal-

lant officers—and that Sir George at last gave way to the noble urgency and apparent confidence of his captain—and that the decisive measure was, thereupon, for the first time adopted, with the success of which every one is aware—What, it may be asked, do we say to this evidence? and to the great body of relative testimony, that it was the general opinion and impression of those who witnessed this extraordinary scene, and of his brother officers, both in the flag-ship and throughout the fleet, that this brilliant idea had occurred at the time to the gallant captain, and that the merit of the original suggestion rested entirely with him?

These, we admit, are fair and natural questions—and we are bound fairly and directly to answer them. We must distinguish, however, between what is properly *evidence*, and what is mere *inference* or opinion—between facts which the witnesses saw or heard, and impressions or conclusions derived from those facts. With the latter it is *our* province to deal—upon a much fuller and more complete view of the facts than was before those witnesses—though, as to the former their authority must be paramount. We say, then, in reference to this great body of evidence, *not*, as our brother of the Quarterly has said, that it relates to very ancient transactions, and is chiefly derived from the mouths of persons who were of very tender age at the time—that it involves some contradictions, and many great improbabilities—and is, on the whole, very little to be relied on, and, in fact, not to be believed. We never, we confess, saw any reason for such scepticism; and are of opinion, after considering the farther evidence produced by Sir Howard Douglas in his *Additional Statement*, that there is not a shadow of doubt in the case. We answer then, directly and plainly, that we give entire and implicit faith to the whole of this evidence, in so far as it relates to facts actually observed; and perfectly believe every thing to have happened as the witnesses describe it, and as the preceding summary of their testimony imports. But we are humbly of opinion, that this does not in the least touch the question at issue, nor bear at all upon the only matter now properly under discussion.

That question is, whether Mr Clerk's admitted discovery had been communicated to Sir Charles or Lord Rodney before the action of 12th April, and was, in fact, what suggested to them the manœuvre they then adopted? But the evidence in question plainly refers, not to the fact of their previous knowledge of that manœuvre, but to the question, which of them first conceived that the time and circumstances were such as to justify them in *then* carrying it into operation—or which had, in those

circumstances, first acquired such confidence in its practicability, as to be willing, without farther consideration, to venture on its execution. Our theory of the matter, in short, is shortly this : Both those brave and skilful officers had learned this manœuvre from Mr Clerk—had probably studied the reasons and calculations upon the strength of which he had recommended it—and were generally impressed with a favourable notion of its value and importance. But still it was a new, and therefore necessarily a hazardous experiment. Its soundness and safety had been questioned by many practical men of great judgment and courage. Even after fully studying the complete work, we know that Lord Howe said, ‘ it was very ingenious, but, for his part, ‘ when he met the enemy, he was resolved still to fight them in ‘ the old way.’ Sir Charles Douglas himself, according to Mr Clerk’s report, had been sceptical as to one part at least of the system ; and though Rodney had, from the first, a more sanguine and favourable view of it, still it was not only natural but unavoidable that a prudent commander should hesitate about carrying it into execution, *under any new or apparently unfavourable circumstances.*

Now what were the circumstances, both as to their precise knowledge of the manœuvre itself, and as to their position in relation to the enemy, on the morning of the 12th April, 1782 ? The first part only of Mr Clerk’s book had been published before their sailing ; and if they had any copy of it to study, it could only be of that part. But this treated only of the mode of attack *from the windward* ; and although the principles on which the policy of breaking the line depended, applied equally to a position to leeward, still it is obvious that such a position presented difficulties which did not occur in the other, and for obviating which, at all events, the plans and demonstrations in the book afforded no specific directions. It is also very material to bear in mind, that, according to Mr Clerk’s own statement, it was chiefly on account of those very difficulties that Sir Charles Douglas had entertained doubts of the practicability of the system, when first explained to him ; and it must be conceded, that its adoption in a fleet to leeward must have been peculiarly startling and suspicious to persons accustomed to the old plan of manœuvring. Mr Playfair has distinctly stated, that ‘ the ‘ matter which Sir Charles Douglas seemed most unwilling to ‘ admit, was the advantage of the attack *from the leeward* ; and it ‘ was indeed the thing most inconsistent with the instructions ‘ given to all admirals.’

Now the French fleet, when first descried in the morning of the 12th April, was *to the windward*. How near the wind they

were sailing, when approached by the English, does not appear from any documents now before us; but it is plain that they might be so placed or trimmed with regard to it, as to make the operation of bearing up from the leeward, so as to cut or cross their line, not only very difficult, but absolutely impracticable—more especially if they were so close to each other as to enable them to bring several ships to bear against the assault, if conducted with the slowness and awkwardness unavoidable in such a position. If the enemy's line, being to the windward, was also close hauled to the wind, it seems obvious that a fleet to leeward must entirely lose way in attempting to pass through them, or could only gain such way by a complex manœuvre. That some such difficulties did occur in the earlier part of the encounter is not only probable in itself, but seems to be proved, by the very witnesses adduced by Sir Howard Douglas to prove the details of the operation as ultimately accomplished; for the result of that testimony is, that Sir Charles Douglas, observing at one and the same moment, *first* a little shift of the wind, which enabled his ship to bear up considerably better than before; and, *second*, a considerably larger interval left between the two ships of the enemy then nearly on his bow, was instantly struck with the possibility of *now* executing, without any very great difficulty or hazard, that manœuvre, for which we take leave to suppose that both he and his admiral were, under more favourable circumstances, sufficiently prepared; and, with the zeal and enterprise for which he was so honourably distinguished, lost not an instant in urging the suggestion on his commander, and intreating that the golden opportunity which had presented itself should not be lost. That the admiral should not be *instantly* converted by this sudden appeal of his brave and energetic captain, is no more an impeachment of his spirit or genius, than it is a ground for surmising that he had never before heard of the project of cutting the enemy's line, or was not aware of any of its advantages. If that had truly been the case,—if, up to that moment, he had never contemplated the possibility of such a manœuvre, we do not hesitate to say, that he would have acted with a most blameable and criminal rashness, if, without leisure for thought or explanation of any kind, he had yielded *at all* to the impetuous and most questionable suggestion of any inferior officer, and departed, at a moment so critical, from all that the learning and experience of his life, and the general sense of the profession, told him ought to be inflexibly adhered to. Instead of the momentary hesitation, the dialogue of two minutes, that is recorded, it is impossible to doubt that a *final* and peremptory rejection would

instantly have been given to a proposal,—which, indeed, under such circumstances, no sane man can be conceived to have made; and that if the idea of breaking the line had not been already familiar to both parties, the one would never have ventured to suggest, nor the other to adopt it.

In the circumstances in which they were actually placed, however, and even supposing Rodney to have been previously the most favourable of the two to the experiment, that hesitation, it seems to us, can be easily and naturally accounted for. His position to the leeward, the closeness of the enemy's order, and the narrowness and scantiness of the wind, had, upon our supposition, compelled him to relinquish the idea of carrying his manœuvre into effect on this occasion; and to make up his mind to bring the enemy to action on the old system, by running up along their line, and doing all the mischief he could as he advanced on it. In this course he had proceeded, too, for a considerable space. The engagement had been going on for several hours—his van had already reached far on the hostile line—the signal for each ship engaging an adversary had been flying, and his officers gallantly acting up to it. When, in this situation, his captain suddenly pointed out to him the shift in the wind, and the opening in the opposite line, which it enabled him to enter, it was a necessary duty for him to consider at least for an instant; and it required no little resolution, *in addition to his previous conviction of the advantages of the manœuvre*, generally, to determine him, so soon as he was determined, to venture on its instant execution. Not only was he still to leeward, and consequently exposed to unavoidable impediments in the operation, but his van was already far a-head of his own ship—no signals had been flying to intimate any such probable change of purpose—and, in fact, no design had been formed, nor any concert established, for following up the hazardous manœuvre to which he was thus suddenly invited. There was no time to consider whether the point at which he was about to break the line of the enemy was a favourable one for this purpose, or what was the trim and condition of the ships by which he could still be followed in the attempt. That he hesitated for an instant before adopting the bold and prompt suggestion of his captain, is as creditable, therefore, to his prudence and judgment, as his then giving way to it is to his gallantry and confidence in his followers. However long and firmly he had been persuaded of the value of the proposed manœuvre, he would have been unworthy of the place he held if he had *not* so hesitated. But if he had never heard of such a manœuvre before, he would have been far more unworthy of that place, if he had not hesitated a great

deal longer—if he had not peremptorily rejected it with disdain. That he did hesitate, was owing to the peculiar circumstances in which he was placed—that he so soon got over that hesitation, can only be explained by the supposition, that he was already convinced of the advantages of the manœuvre, and anxious to carry it into effect whenever it was at all feasible.

That this was truly the state of his information and intentions, is established not only by all the evidence to which we have already referred, and which admits of no other explanation, but by a very important statement made by one of the witnesses on whom Sir Howard Douglas mainly relies. We refer to Sir Gilbert Blane, who, in his *Select Medical Dissertations*, (p. 75,) has stated, that, on that eventful morning, while at breakfast in the admiral's cabin, 'Lord Cranstoun, a volunteer captain in the ship, remarked, that if our fleet should maintain its present relative position, steering the same course, *close hauled* on the opposite tack to the enemy, we *must necessarily pass through their line*, in running along and closing with it in action. *The admiral visibly caught the idea*, and, no doubt, decided in his own mind, at that moment, to attempt a manœuvre hitherto 'unpractised in naval tactics.' This alone would be conclusive against the idea, that no one had ever contemplated such an operation, till its instant execution was urged on the admiral by Sir Charles Douglas, or that his hesitation and temporary reluctance was owing to the entire novelty of such a suggestion. But when the fact is taken into view, along with the said Lord Cranstoun's distinct testimony, not only that Mr Clerk had been always acknowledged as the instructor both of Sir Charles and of the admiral upon the subject, but that his manœuvre had been a frequent subject of discussion at his table in the earlier part of the voyage, the utter absurdity of such a notion becomes manifest; as well as that the subsequent altercation between the captain and his chief was not about the safety or practicability of the manœuvre generally, but only as to its safety or fitness at the moment, and in the circumstances in which it was then proposed to perform it. There is no other supposition, we humbly submit, that is reconcilable either with the whole body of the evidence, or with probability and common sense. Sir Charles Douglas is entitled, we have no doubt, to the merit, and it is probably a great merit, of having so rapidly seized the moment when this great manœuvre first became practicable, and so boldly pressed it on his commander, and overcome by his persevering, but not undutiful, urgency, the reluctance with which the proposal was at first received: And the admiral is entitled, on the other hand, to the praise of promptly adopting this bold sugges-

tion, and carrying it, at all hazards, into brave effect—magnanimously regardless, not only of the responsibility he was thus incurring, but of the little mortification of not being the first to propose that, for which, he must have known, he was alone to answer. But to infer, from these great and undeniable merits, that one or other of these gallant officers must therefore have been the original inventor of what they thus concurred to execute, or that there is any thing in the history of their heroic altercation, which goes in the least to discredit the irrefragable evidence by which *that* honour has been settled on another, does appear to us to be one of the strangest and most unaccountable perversions of a very plain story, with which it has ever been our fortune to meet.

This disposes, we think, of all the evidence brought forward by Sir Howard Douglas, in so far as relates to the *matters of fact* established by that evidence. We perfectly believe all the witnesses he has produced, and have no doubt of the facts being as they represent them. But we must also be permitted to believe Lord Cranstoun, Lord Melville, General Ross, and the other witnesses, whose testimony is totally irreconcilable with the *inference* which Sir Howard would draw from the facts so established. We reject that inference, therefore, while we admit the facts; and we conceive, that, so far from doing any violence to probability in so doing, *this* is the only conclusion which any impartial person would draw from the statement, even if it were not necessary to avoid the most glaring, and otherwise unaccountable contradictions. *The facts* are, that Sir Charles Douglas suddenly urged his commander to change his order of battle, and take the opportunity afforded by the wind, and the opening in the enemy's line, to charge through it; and that after some hesitation, the admiral complied. *The inference* is, that up to that instant, neither captain nor admiral had ever contemplated the manœuvre of so charging through the line, and especially had never heard of such a manœuvre from or through Mr Clerk. If there had been no evidence to the contrary, we say that the facts would not warrant such an inference, but the reverse; since on any other supposition, both officers would have been chargeable with the most blameable presumption and rashness—but that it is nothing less than absurd to contend for such an inference from these facts, when there is redundant and overwhelming evidence that they had both known the manœuvre months, if not years, before; and had, in fact, been talking of it that very morning. The altercation was about its *feasibility at that particular moment*; and neither was, nor could be, about any thing else.

As to that part of the evidence which relates to the *opinion* or

impression of the spectators, or the fleet in general, that the idea of the manœuvre had been conceived at the very moment of its execution, we suppose it will not be thought necessary for us to say any thing. Without making much allowance for professional pride and partiality, we may admit that this was a natural enough impression among the midshipmen, or officers, whose duty it was to know nobody greater or wiser than their gallant admiral, and his captain of the fleet,—who had never heard of Mr Clerk or his demonstrations, and above all, who had not been informed,—*as we now are*,—that this admiral and captain had been studying Mr Clerk's plans and directions for this very manœuvre, both before they left England, and since they had been at sea,—that neither of them ever claimed the discovery as his own,—and that one of them, at least, (and we hope and believe both,) had always acknowledged that all their knowledge of it was derived from Clerk's information, and that they were but the executors of his invention. We have nothing to say, therefore, either of Captain Dashwood's graphic and eloquent account of the deep thought and intense meditation in which Sir Charles Douglas appeared absorbed, immediately before he made his bold proposition to the admiral, or to the more sober description of the other witnesses of the scene, who concur in his impression, that the conception originated in that moment of visible inspiration, and that no dull civilian had any thing to do with its generation. *We know now* what the civilian had to do with it; and have nothing to say to these opinions or impressions, but that they prove nothing as to the fact, and are now, at least, as plainly erroneous, as they were at the time, we have no doubt, honest, natural, and magnanimous. If a man of known talents recites a beautiful copy of verses, with an air of inspiration and deep feeling, it may be very natural for his friends and admirers, to whom they are quite new, to have a strong conviction that they are his own composition,—more especially, if they bear some reference to his own situation and feelings, and if he rises from a long reverie to recite them. But of what consequence is this conviction, or any detail of the circumstances on which it was founded, after it is *proved* that the said verses had been printed in a book with another man's name, half a year before, and that the inspired reciter had a copy of that book in his pocket, and had been reading and praising it that morning in his chamber?

The whole *extrinsic* evidence relied on by Sir Howard Douglas being thus disposed of, nothing remains but to consider that which he has brought forward on the authority of Sir Charles Douglas himself. And this, we must confess, is a very awk-

ward, and even distressing part of our task. We have the greatest possible respect for the memory of Sir Charles Douglas. A braver, purer, more high-minded and honourable man, we believe, never existed. We are proud of him as a countryman; and can perfectly understand that Sir Howard, who is generally understood to have inherited his character, should be proud of him as a father. We think he has done right, too, in vindicating his claim to the honour of being the immediate adviser of the grand operation of the 12th of April; and we are of opinion, that he has triumphantly established *that* point, and completely put down, in his additional statement, the cavils of the Quarterly reviewer on the subject. We even think that he is entitled to assume, that but for his father's promptitude, energy, and decision, the line probably would not have been broken, nor the decisive victory gained that day; and we agree with him in thinking that that distinguished officer, and that great service, were unduly overlooked in the distribution of thanks and honours on the occasion, and that it was fitting, even at this distance of time, for his son to reclaim for him from the public the honours that had been so long withheld. But when we come to the question with which alone we are concerned on this occasion,—the question whether he, or his admiral, (for there can be no distinction,) had been previously instructed in this manœuvre, by means of Mr Clerk's communications, we cannot but feel very painfully, that Sir Charles Douglas has been placed by the statements or disclosures of his son in a very awkward and embarrassing predicament. What predicament, indeed, can be more awkward, than for a man, dead or alive, to have nothing but his own averment in his own favour, to oppose to the direct testimony of many honourable and disinterested persons, and to a body of circumstantial evidence, if possible, still more conclusive? or if any thing can aggravate the awkwardness of such a position, it must be, that this testimony of the party in his own behalf, does not appear to have been always uniform; and that the averment ultimately maintained by his advocates, is not consistent with part of that testimony. This, however, we are compelled to say, is the predicament in which Sir Charles Douglas appears to us now to stand. We have not the least idea that he could ever aver any thing he did not believe to be true,—but that there are contradictions between the testimony we have already considered, and the averments ascribed to him by his son, is unfortunately indisputable; and though we think we see how they may be in some measure reconciled, we cannot but feel the discrepancy to be distressing, and cannot but observe, that, if

any irreconcilable difficulty remains, the neutral evidence *must* be preferred.

We have seen the evidence by which Lord Rodney's knowledge of Clerk's discovery, and his sense of its value, before he left England is established, and the tenor of his uniform acknowledgments. All this, however, it is a part of Sir Howard's case to discredit or deny. He says distinctly, at pages 29 and 30 of his original statement, that it is impossible that the admiral should have had any such information, and not have communicated it to his captain, in the many anxious and confidential consultations they had, as to the impending conflict; and he adds, as we understand, on the express authority of Sir Charles himself, (p. 34,) that the admiral had never in the remotest degree alluded to such a communication. This alone raises a question of great and grievous perplexity. But it is nothing to what remains behind. Mr Clerk has stated distinctly, through the mouth of Mr Playfair, that he had various meetings with Sir Charles Douglas, before he sailed with Lord Rodney, at which his whole system was discussed; and he has mentioned some of the points on which Sir Charles was hard to be persuaded. He has also specified, that some of these meetings were by appointments made through the late Dr Blair of Westminster, and that three gentlemen of the family of Adam, including the present Lord Chief Commissioner, were present at one of them. The Lord Chief Commissioner, the only survivor of the party, bears testimony to the correctness of this statement, and says he *distinctly recollects such a meeting, when the naval tactics were fully discussed*. In addition to all this, Lord Cranstoun is reported by his cousin to have stated to him, the very day of his arrival with the despatches, that the great manœuvre of the day was adopted in consequence of explanations made by Mr Clerk to Sir Charles Douglas, whom he had met in London some time before, and that it was a frequent subject of discussion at the admiral's table during the voyage. Yet Sir Howard Douglas has now referred to a letter of the deceased Sir Charles, dated from St Lucie in March 1783, in which it appears that, in answer to some communication of such a claim having been set up by Mr Clerk, he stated, 'that the whole story was so far-fetched, improbable, and *groundless*, as not to deserve a serious refutation;' and added, that 'he did not remember any, even the faintest, trace of any such conversation or communication as Mr Clerk had been understood to refer to!'

What is to be said of this? A complete or satisfactory explanation, we fear, is impossible. But we have one or two re-

marks to offer. 1. It is infinitely to be regretted that this letter of Sir Charles Douglas was not communicated at the time, or at least during the life of Mr Clerk, to him or his friends; when an appeal to *many* living witnesses might have been made, by which all misrecollection must have been dispelled. In point of fact, it was never heard of, till those extracts from it were published by Sir Howard, in 1829. 2. We wish very much to see the whole letter; for even from what is given of it by Sir Howard, we are very much mistaken if it will not appear that, while it disclaims any obligation to Mr Clerk for the brilliant manœuvre in question, it equally renounces any claim for the gallant writer himself, to the merit of that discovery; and, in the very face of what Sir Howard now contends for, gives the whole credit, both of conceiving and executing that manœuvre, to Sir George Rodney alone. In one of the extracts now printed by Sir Howard, Sir Charles Douglas states, 'that in being so near his Commander-in-chief, *he had a far more experienced instructor, to guide and direct him in the execution of his duty*, than the author alluded to; and so entirely positive was he that he had never spoken on such matters with any civilian of the name, that he took the person to whom allusion had been made to be a Lieutenant Clark in the navy.' And he then 'instructs his correspondent, that inasmuch as *he* is mentioned or alluded to, the subject should be treated as a production offensive to himself, and as *highly injurious to the person who commanded in chief* on that celebrated day; and *who* certainly did not stand in need of any instruction derived, or that could be derived, from Lieutenant Clark, or any other person that he knew of.' These expressions, we humbly conceive, are not equivocal; and as plainly disclaim any share of the honour for himself, as they refuse it to Mr Clerk. In the first case, however, it is now established by Sir Howard, that they give an erroneous and incorrect view of the fact; and why, therefore, may it not be supposed that they do so in the other also? If Sir Charles Douglas's deference and devotion to his admiral was such, as to make him relinquish *his own just claims*, for his glory, is it very difficult to imagine that he might not be more scrupulous in sacrificing the equally just claims of a stranger? And,

3. This we humbly apprehend to be the true key to the enigma and contradiction we are discussing. It clearly appears, from the publications of Sir Howard, that his gallant father *had* in fact a very exaggerated and romantic notion of what was due from an inferior officer to a Commander-in-chief; and carried his ideas of passive obedience and unbounded self-sacrifice to a

length, which, we confess, is to our cooler understandings, neither very intelligible, nor altogether reconcilable with propriety. It would never have occurred to us, therefore, to surmise that *such* a solution of the difficulty should be adopted. But since it is put upon us, and suggested by Sir Howard Douglas, it is impossible that we should refuse to adopt it. The following is the passage to which we principally allude.

‘ My father never could be prevailed upon to claim more than Sir George Rodney had publicly given him. There are some very high-principled, professional sentiments beautifully and strongly expressed in several of my father’s letters, *severely reprobating all assumptions, whether vain or JUST, of persons claimant of credit, which, if not officially reported or acknowledged by the Chief*, should be deemed by the public to be derogatory to *his* honour; and there are many persons still living who remember well the delicacy with which my father waved this subject, when pressed or complimented upon the question.’

Now, really, if a person has made it a principle to wave or dissemble *his own JUST claims* to a credit which he knows to belong to him, for fear the glory of his *Chief* may be tarnished by their assertion, *he* certainly is not the person by whom the just claims of a third party—a civilian especially, and a stranger—are most likely to be acknowledged, to the effect of discrediting not only the chief, but the service and profession in general: And, if the single testimony of such a person, against these claims, should happen to be diametrically opposed by the concurring evidence of three or four individuals of equal worth and honour, who had no such peculiar notions, there could be little hesitation, we think, as to which should be allowed to prevail.

But it is not even from such a passage as this, that the reader will obtain a just notion of the extent to which Sir Charles Douglas practically carried this deferential and heroic dissimulation. The Quarterly Reviewer, in maintaining the cause of Lord Rodney, very naturally and exultingly referred to the following passage in Cumberland’s Memoirs, on the subject of the manœuvre in question :—

‘ My friend Sir Charles Douglas, captain of the fleet, *confessed to me that he himself had been adverse to the experiment*, and in discussing it with the admiral had stated his *objections*; to these he got no other answer but that “ his counsel was not called for; he required obedience only, he did not want advice.”—This anecdote, *correctly as I relate it, I had from that gallant officer*, untimely lost to his country, whose candour scorned to rob his admiral of one leaf of his laurels, and who, disclaiming all share in the manœuvre,—nay, confessing he had objected to it, did in the most pointed and decided terms, again and again, repeat his honourable attestations of the courage and conduct of his commanding officer on that memorable day.’

In the interval between the publication of those *Memoirs* and of the Supplement, it is probable that the accuracy of this statement had been, in some way, called in question ; since in that Supplement we find the following very positive repetition of it:—

‘ My friend Sir Charles Douglas, upon his return to England, told me, that the merit of cutting the French line rested entirely with his admiral, and that *his own opinion even went against it*. In my assertion of this fact, I am strictly correct.’

Now this is certainly a very strong statement ; and, considering the honourable character of Mr Cumberland, must have appeared not a little embarrassing to Sir Howard. It is noticed accordingly in his *Additional Statement*,—and how is it that he deals with it ? We cannot venture to answer the question otherwise than in his own words. They are,

‘ With respect to what is stated in Mr Cumberland’s *Memoirs*, I was not ignorant of that work ; and the anecdote therein related is one of the circumstances to which I adverted, in what I state, at page 37, (*Preface Naval Gunnery*,) upon the subject of my Father’s delicacy in waving the question, when pressed or complimented verbally upon it. As there was no medium course between actually claiming and tacitly disclaiming the merit, this anecdote proves nothing more than I have already mentioned !’

Now this we confess did not a little surprise us, even after the passage in the original Statement ; as we certainly were not prepared to find that the intimation there made about ‘ delicately waving the subject when pressed,’ was meant to extend to a positive and direct disclaimer of a known right, and an equally distinct assertion of it in behalf of another, to whom it was known *not* to belong. The inference, however, from the circumstance as now explained, on the question in hand, is direct and conclusive. If Sir Charles Douglas thought it right thus to give up all his own rights to his admiral, what was there to restrain him from giving up Mr Clerk’s also ? If he could thus, deliberately, and in imposing detail, ascribe his own suggestions and exploits to his commander, and that, as it would appear, spontaneously, and when no one was calling the admiral’s merits or glories in question,—is it not reasonable to suppose, that he may have dealt in the same way with the merits or suggestions of another ; especially when he found them put forward for the purpose of reclaiming from that glorious chief, and his whole profession, the very brightest and freshest of their laurels ? It is true, that in the sequel of the passage we have just quoted, Sir Howard adds, that Mr Cumberland must have been mistaken in some parts of his statement, and that he appears to have confounded the admiral with his captain. But what we have transcribed is his leading and substantial explanation : And we are in the judgment of our readers, whether it does not

admit the general truth of Mr Cumberland's report, and his own conviction that Sir Charles had *positively disclaimed* having suggested the manœuvre in question, and *positively asserted* that it had originated with his commander. It will always be borne in mind, in estimating the value of this admission, not only that Sir Howard Douglas now contends, that the fact was precisely the reverse, but that we think it *incontestably proved* to have been so. We never saw any reason to doubt the very striking and minute testimony of Captain Dashwood upon this subject; but, after the host of additional witnesses brought forward by Sir Howard in his Second Statement, we think it perfectly impossible that any one should have a doubt on the subject. But the more certain this is, the more startling is the fact of Sir Charles's singular disclamation; and the more direct and instructive the analogy between that disclamation and his disavowal of any knowledge of Mr Clerk's previous discovery. Both had obviously the same motives and apology—and both, we humbly apprehend, must now be ascribed to that motive exclusively. That motive was plainly stronger, and more likely to operate, in the case of Mr Clerk, than in his own case; and as the delusive nature of the one statement is now not only admitted, but successfully urged by the son of the man who made it, we trust he will not take it amiss that we should allege a similar inaccuracy in the other—especially as we too refer to evidence, not less conclusive, we will venture to say, than that brought forward by himself, to prove that the matter *could not* really have been as his father's extreme zeal for his superior had, in both instances, led him to represent it.

We are the last persons in the world to quarrel with the capricious or exaggerated views of a man of unquestionable hon—upon points, especially, that touch upon the *esprit de corps* or the etiquette of a noble profession. But if the reckless and excessive indulgence of those views interferes with the just rights of others, we must be allowed to set them aside, and fearlessly to expose the fallacies and misconceptions to which they must otherwise lead. We honour, though certainly without fully understanding or approving it, the unbounded zeal and chivalrous devotion which led Sir Charles Douglas to sacrifice every thing to the glory of his gallant commander: But as we do not join in his creed, nor acknowledge the divinity of his idol, we must be permitted to snatch the fame of our distinguished countryman from the altar on which he had thrown it, with his own,—and to decline for him the glory of a martyrdom to which *he* certainly had no vocation.

We have dwelt longer upon this subject, we fear, than some of our readers will think reasonable; and we shall detain them

but with one word more. The result of the whole is, that *there is not one fact proved*, from which it can be reasonably inferred that Sir Charles Douglas was the inventor of this celebrated manœuvre. The testimony of Lord Rodney is unequivocally and conclusively hostile to his claims: But by far the worst witness against them is—himself! We have refused to take his own word against himself, as in competition with his commander—and we cannot take it, therefore, against Mr Clerk—against whom it is only given with a view to such a competition. He has been unjust to both, through deference and regard for the same distinguished individual; and the injustice must not be *partially* repaired. We cannot allow Sir Howard Douglas to restore his father against the sacrifices he made of his own fame to the glory of his commander, without insisting on a similar retribution to Mr Clerk. It is admitted to have been Sir Charles's principle and practice, to discredit any interference, even on *just* grounds, with the credit assumed by, or ascribed to, his Commander-in-chief; and it will be particularly observed, that the letter from St Lucie, which is as yet *the only* proof of his having so discredited the claims of Mr Clerk, is confessedly written to answer this public or ostensible purpose. It is not a private note or memorandum, made for the purpose of recording the true state of a recent transaction, or a spontaneous account of it transmitted to a private friend. It is a *demi-official* answer to a claim, which, *even though just*, we now know he would have thought it his duty to discredit, even to the prejudice of his own glory; and its object is distinctly spoken out in the concluding 'instructions to his correspondent,' which Sir Howard Douglas has extracted—viz. to treat the claim so intimated for Mr Clerk 'as offensive to himself, and as highly *injurious* to the 'person who commanded in chief on that celebrated day.' The object and motive of the discredit thrown upon these claims is thus openly professed in the body of the letter itself; and the case of Mr Clerk, therefore, brought unequivocally within that interdicted sphere, of competition with the sacred rights of a commander-in-chief, within which, in his estimation, no inferior person was entitled to maintain any claims, whether just or unjust.

Sir Howard intimates, in his *Additional Statement*, that though Sir Charles persisted to the last in his *public* disclamation of any farther merit than Lord Rodney had publicly ascribed to him, he did communicate confidentially, to his family and intimate friends, his sense of having had less than justice rendered to him on that occasion; and even insinuates, that, if he had not been suddenly cut off by death, he would probably have publicly asserted

his rights. All this we are most willing to believe; and we think nothing more probable than that he should have at last repented of his extravagant devotion to his admiral, and meditated the disclosure of those truths which he had been too long accessory in suppressing, but which Sir Howard has fortunately been still enabled to establish. In this retraction, however, of these virtual misrepresentations, we cannot but believe that he would have included what related to Mr Clerk, as well as what more immediately concerned himself: And while all the statements of Sir Howard are correctly explicable on that supposition, we must confess that we shall be grievously disappointed, and very painfully *surprised*, if a single *private* document ever sees the light, under the hand of Sir Charles Douglas, or a single *confidential* word of his is ever put in evidence by any surviving friend, importing that he seriously claimed for himself any thing more than what we have now allowed him—or ever denied that both he and his commander had been instructed by Mr Clerk in the general nature of the manœuvre in question, long before his individual services were required to secure its first execution.

ART. II.—*Memoirs of his own Life and Times.* 1632-70. By Sir James Turner. 4to. Edinburgh, 1829.

NO period of the history of England is so deeply and so deservedly interesting as that which embraces the events of the civil war during the seventeenth century, in which Scotland and Ireland were equally involved. In consequence of the rival claims of successive competitors for the crown, or the turbulence of powerful and ambitious vassals, the country had often before been the theatre of internal conflicts, the interest of which, how great soever at the time, gradually subsided and was forgotten. But there was something magnificent, though terrible, in the spectacle of the people of three kingdoms, who owned the authority of one prince, and resembled one another so closely in language and manners, rising in arms, and ranging themselves under opposite standards, not in sudden tumult, nor to decide whether this or the other individual or family should inherit the crown, but in a contest which involved, on the one side, the prerogatives of an ancient monarchy and a richly endowed clergy, and on the other, national rights, liberty, laws, and religion; one branch of the legislature in open hostility with the other two, and dividing between them the allegiance and

affections of the subjects; a king and his parliament, after long negotiation and mutual preparations, deliberately and formally proclaiming war against one another, and waging it for a course of years with dubious success; while the surrounding nations, as if awe-struck, stood at a distance, and remained passive spectators of the struggle. It is impossible to contemplate this scene with indifference, though we should not take into view the unexampled fermentation of opinion, in politics and religion, excited during the progress of this war of principle, which burst forth at last with such fury as to overturn the monarchy and the whole frame of the constitution, and to produce a commonwealth, with a military Protector at its head, whose death paved the way for the restoration of the royal family, and the re-establishment of the ancient order of things. Earlier portions of English history borrow much of their interest from extrinsic causes. Events which happened ages after the humiliation of King John, emblazoned Magna Charta, and consecrated the plain of Runnemede. In spite of Cressy, and Poitiers, and Agincourt, the reigns of the Edwards, and Henries, and Richards, would have been read by comparatively few, had they not been immortalised by the pen of Shakspeare, from whose pages, rather than those of Rapin or Hume, we recollect the order of their succession, and of the principal events connected with their names. But the transactions during the reign of Charles I. and the Commonwealth, stand in need of no adventitious aids to render them memorable. They have been recorded by many historians, and they have also furnished materials for fictitious composition; but we do not detract from the splendid talents possessed by some of these authors, when we say, they have been indebted to their subject for the interest excited by their writings, more than their subject is indebted to them.

Such being the case, we need not wonder that the documents illustrative of this period should be numerous. Whether the history of it has yet been written in a manner worthy of its importance, we shall not presume here to determine, but sure we are, there is no lack of materials for such a work. This is no doubt to be ascribed, in a great degree, to the anxiety felt by the parties, political and religious, which grew out of the confusions of that time, to bring forward what they deemed favourable to their respective views. But even at present, when the violence of party-spirit has subsided, and the parties themselves are nearly confounded and lost, additions are daily making to the mass which is already collected. It would be unreasonable to expect, that recent discoveries should supply facts entirely new, or furnish grounds for a representation of events substan-

tially different from any which has already been given to the public. But nothing is unnecessary or superfluous which throws the least light on the incidents of so great an era, or tends either to corroborate or to invalidate statements which rest on doubtful and contested authority. On this ground, the publishers of the work now before us are entitled to our thanks : * we do not welcome it the less cordially, that the sentiments which the author expresses on the leading questions which he has occasion to touch, differ widely from our own ; and we hasten to give our readers an idea of its contents, taking the liberty, as we proceed, to intersperse a few relative facts from other sources which are not accessible to many.

The author of these Memoirs served during the Civil Wars as an officer in all the three kingdoms ; and accordingly writes in many instances of transactions which he saw, and in which he sustained a part. But a great portion of the work, and that which will probably attract the chief attention of most readers, relates to Scotland, and particularly to that transaction which gained for the author a notoriety not of the most enviable kind. We refer to the insurrection suppressed at Pentland in the year 1666. This part of the Memoirs is properly an apology or defence, and indeed the work generally partakes of this character. We may take an opportunity, before we have done, of making some remarks on the degree of success which has attended the author's attempt to set himself right with the public ; for the Memoirs were evidently intended for publication, though his friends were discouraged from executing the purpose by the untoward event of the Revolution, and the great change of measures and principles to which it gave rise. In the meantime we may state that the Editor, in his Preliminary Notice, has in substance expressed our opinion, when, speaking of the letters addressed to Sir James Turner, after his removal from military employment, he says, they ' will be found to exhibit some amiable contrasts to those darker impressions of his character, which have been too deeply, and it is to be feared, too justly, stamped on the contemporary history of his age, ever to be effaced.'

Sir James Turner was born in the year 1614, but in what

* Its publication is mainly, we believe we may safely say wholly, owing to the encouragement afforded to the undertaking by the BANNATYNE CLUB—one hundred copies of the work having been subscribed for by that Association. The public is farther indebted to the learned and accomplished Vice-President of the Club, for those Editorial labours which have insured the fidelity and accuracy of the impression.

part of Scotland he does not say ; nor does he give us any information respecting his parentage. We only learn that he went through the usual course of Philosophy at the College of Glasgow, where, though, by his own confession, he made small proficiency, it is probable he acquired that taste for letters which he retained during life. Being of a buoyant and roving disposition, he was averse to the labours of a sedentary employment, and chose the profession of arms. As Scotland was at that time in profound peace, he turned his eyes, like many of his adventurous countrymen, to the continent, where Gustavus Adolphus, King of Sweden, was in the career of his victories as the champion of the Protestant cause, and of the liberties of Germany. Having obtained the post of ensign in a regiment of Scots, raised by Colonel Lumsden, he set out with them for the continent in the year 1632 ; but he never saw the Swedish hero, who had gone into the interior of Germany, and soon after fell in the battle of Lutzen. A better field for acquiring military skill, and a worse school for forming personal character, could not be found by a young man, than that in which Turner was now placed. After the death of their magnanimous leader, whose clemency was as conspicuous as his valour, and of whom it has been said that he traversed Germany ‘ with the sword in one hand and mercy in the other,’ the allied army began to imitate those cruelties which had excited such horror in the Imperialists ; and the auxiliaries, including the Scots, being often employed in the most hazardous services, and ill paid, as they thought, by their employers, learnt to remunerate themselves by plundering and oppressing the peaceable inhabitants, with whom they felt no sympathy in language or manners. In the account which Turner has given us of the proficiency he made in this species of warfare, we can discover those early habits which subsequently influenced his conduct in his native country.

‘ The two companies (of Scots and English) were bot badly used, tossed to and fro, in constant danger of ane enemie, and without pay. Bot I had learnd so much cunning, and became so vigilant to lay hold on opportunities, that I wanted for nothing, horses, clothes, meate, nor moneys ; and made so good use of what I had learned, that the whole time I servd in Germanie, I sufferd no such miserie as I had done the first yeare and a halfe that I came to it.’

Having remained nearly eight years on the continent, during which time he was more than once thrown out of employment, and on one occasion had projected a journey to Persia, Sir James returned home in 1640, to take part in the hostilities which had been renewed between Charles I. and Scotland. He was not altogether ignorant of the ground of the quarrel, having

paid a visit to his native country in the preceding year, when every thing foreboded a breach between the sovereign and his ancient kingdom. But Turner was actuated neither by loyalty nor by love to religion and liberty: a mere soldier of fortune, it was immaterial to him on what side he drew his sword, and spilt his own blood or that of others; and therefore he left the determination to accident.

'I had swallowed without chewing, in Germanie, a very dangerous maxime, which militarie men there too much follow; which was, that so we serve our master honestlie, it is no matter what master we serve; so, without examination of the justice of the quarrell, or regard of my duetie to either prince or countrey, I resolved to goe with that ship I first encountered. After two days necessarie stay at Gottenberg, I hired a boat and went away in the evening; we rowed all night, and haveing passed two Suedish castles, about breake of day we came neere Millstrand. Understanding the wind blew faire for both ships, I was advisd to step out, and goe a foot straight thorough the tounne to the shoare, it being the neerer cut, whill the boate went a greater way about with my servant and coffer. I did so, and came just there as the Englishman was boyseing his sailes. I askd him if he wold give me passage to Hull, (a place I have since beene too well acquainted with,) who told me he wold with all his heart, provided I wold presentlie step in. I beseeched him to stay till my servant and coffer came, without whom I could not goe; but no intreatie or prayer could prevaile with the inexorable skipper, for away he flew from me, as an arrow from a bow. This onlie hinderd me to *present my endeavours* to serve the King against the Covenanters. I calld instantlie for the Dane who was bound for Scotland, resolving to serve either the one or the other without any reluctance of mind; so deeplie was that base maxime rooted in my heart. The people pointed with their fingers to the ship, which had got a great way out from the shoare, and stayd there for a passenger whom the skipper had promised to carry to Edinburgh. He was ane old man, who at taking his farewell of his friends the night before, had drunke so much that he had sleepd his time. Immediatlie I clapt in fresh men in my boate, the others being overweariet with rowing, and so came to the ship; neither did the skipper make any scruple to ressave me, thogh at first he conceaved his old man was in my companie. To the neglect of this old man, nixt to all ruleing providence, may I attribute my goeing at that time to Scotland. On the sixth day after my embarkeing, we saw ourselvs not farre from Aberdeene. I was glad we were so farre north, *because I had heard the king's ships were in the firth*; but I was mistaken, for they were gone; and no matter they had been gone sooner, for any good service they did the king there.'

Sir James wrote this in his old age, after he had adopted high monarchical opinions; and, though he confesses his former want of principle, yet it is evident he wished the reader of his narrative to believe that even at that early period his inclinations were with the king, and that he would have been glad of an opportunity of joining his standard; a ~~conviction~~ ^{conviction} not easily recon-

cilable with his continuing to fight for the Parliament until the royal cause was ruined beyond recovery.

Repairing to Newcastle, where the Scottish army was encamped under General Leslie, afterwards Earl of Leven, he obtained the only vacant place which was left, that of major in Lord Kircudbright's regiment, consisting of the men of Gallo-way,—‘a place,’ says he, ‘and a people, fatal to me.’ Sir James does not say what share he got of ‘the brotherlie present of ‘L.300,000 sterling,’ with which the Parliament of England sent the Scottish army home; but he is careful to preserve the following piece of information.

‘All this while I did not take the Nationall Covenant, not because I refused to doe it, for I wold have made no bones to take, sueare and signe it, and observe it too; for I had then a principle, haveing not yet studied a better one, that I wrongd not my conscience in doing any thing I was commanded to do by these whom I served. Bot the truth is, it was never offerd to me; everie one thinking it was impossible I could get into any charge, unles I had taken the Covenant either in Scotland or England.’

The Irish massacre having broken out in the end of 1641, the Parliament of Scotland sent an army of 10,000 men to assist in suppressing it; and among these Sir James went as major in Lord Sinclair's regiment. Nothing of importance occurs in this part of the Memoirs, if we except the accounts of the cruelties committed by the Irish, and the reprisals made upon them by the Protestant army, in which last the memorialist tells us he had no share, having confined himself to ‘bringing in store of cows, ‘with the flesh and milke whereof,’ says he, ‘we much refreshed ‘the decayed bodies and fainting spirits, not only of our sojourns, ‘but of many of our officers also.’ Having remained two years in Ireland, where he ‘got no more than what maintained’ him, he came to Scotland, whence, after some stay, he repaired to Newcastle, and joined his countrymen, who, under command of Leslie, had gone to the assistance of the English Parliament against the King. In reading the account which Sir James has given of the proceedings of the Scottish army in Ireland and England, we were particularly struck with his repeated attempts to fasten the charge of incapacity on the general. Not content with his own reflections on particular measures, he inserts a saying which a deceased nobleman was reported to have employed, ‘that the Earle of Leven's actions made not such noyse in the ‘world as those of General Lesley.’ It argues more than conceit when a subaltern officer, who had hitherto distinguished himself chiefly in marauding expeditions, or by enlisting and training recruits, censures with such confidence and asperity the plans of a veteran, whose military talents and bravery had been

long established. One example of this may suffice. In the beginning of 1644, Major Turner was sent by his lieutenant-general to represent the destitute state of their regiment to General Leslie, who was at that time endeavouring to pass the Tyne near Newcastle. The gallant major, thinking that a detachment, which guarded the workmen employed in constructing a bridge of boats, was in danger, provided the enemy should make a sally from the town, went to the general's tent, and advised him to cause false alarms of an assault to be made round the walls. 'When I returned,' says he, 'I was ashamed to relate the answer of that old captane; which was, that he feared the brightness of the night (for it was moonshine) would discover the burning matches to those on the walls. I told him the moonshine was a prejudice to the designe, for it would hinder the matches to be seen; for the more lunts were seen, the better for a false alarm.' This was no doubt a piece of information to the old captain! We think we could give almost the very words which Leven used on the occasion; but it would be too much; for it is worse than ridiculous to suppose for a moment that any man, not to say an experienced soldier, should feel an apprehension that the very thing by which he meant to create an alarm should be seen by the enemy. Sir James himself is, however, a reluctant witness to Leslie's generalship at the time referred to. 'The Scots,' says he, 'got over the river afterward, and by peecemale made Newcastle's armie, almost as strong as their own, and far better sojourns, moulder away, and the relecks of it to take sanctuarie within the walls of Yorke. Such was the king's sad fate, and the infatuated stupidity of these under him.' (P. 32.) This last expression is a common one with the writer of the Memoirs. Had it not been for the fates, and the stupidity of his servants, the king would have been uniformly successful and victorious.

There is a fact mentioned near the beginning of the Memoirs, which may perhaps account for Sir James's feelings towards Leven: he had a quarrel with his brother in Germany, on which ground he supposes the general to have been afterwards unfavourable to him. But we suspect there was another reason for the general's coolness to Turner, and for that prejudice against him on the part of the Parliamentary Commissioners who attended the army, which he imputes to their suspicions of his political leanings. We refer to the violence of his temper, and those irregularities of conduct inconsistent with military discipline, and peculiarly offensive to his superiors at that time, in which he was apt to indulge. Bishop Burnet, who was intimate with him in his later days, says,—'Sir James Turner was

'naturally fierce, but was mad when he was drunk; and that was very often. I knew him well afterwards, when he came to himself, being out of employment. He was a learned man, but had been always in armies, and knew no other rule but to obey orders. He told me he had no regard to any law, but acted as he was commanded, in a military way.' The truth of this description is confirmed by a testimony above all exception. When speaking of his wish to retire from the Parliamentary army, at a time when 'the committee and general entertained very ill thoughts' of him, Sir James relates the following incident:—

'Haveing drunke at one time too much at parting with a great person, rideing home I met one Colonell Wren, betueene whom and me there was some animositie. He was a foot, and I lighted from my horse; drinke prevailling over my reason, I forced him to draw his suord, which was tuo great handfulls longer then mine. This I perceiving, gripd his suord with my left hand, and thrust at him with my right; bot he stepping backe avoyded it, and drew his suord away, which left so deepe a wound betueene my thumbe and formost finger, that I had almost losd the use of both, unles I had beene well cured. Ane other hurt I got in my left arme. The passengers parted us; bot I could never find him out after, to be revengd on him, though I sought him farre and neere. This was ane effect of drinking, which I confesse, beside the sinne against God, hath brought me in many inconveniences. This was the first time ever my blood was draune, though I have hazarded it and my life very often, not onlie in battells, skirmishes, rencounters, sieges, sallies, and other publick dueties of service, bot also in severall private duells.'

It would appear also that the regiment to which Turner belonged was noted for the immoral conduct of their officers. For Colonel Arthur Erskine, in an original letter now before us, interceding with Mr Robert Douglas for an officer who had been cashiered for profaneness, says,—'It is true, indeed, he was in my Lord Sinclair's regiment in Ireland; and I do believe, with many others of that regiment, was insolent and scandalous all that time; but I dare boldly say he is not that now.'

On recovering from the wounds which he had received in the drunken fray, Sir James was married at Hexham to a young lady, of whom he had become enamoured during his Irish campaign. She appears to have been a woman of excellent character, who gave many proofs of spirit and attachment to her husband during his imprisonment and exile; and the affectionate tributes paid to her worth, in the course of his Memoirs, exhibit one of the most amiable traits in the character of Sir James Turner. The following is his account of their first becoming acquainted in Ireland:—

'Yet I had a purchase in it of that I value more than any worldlie riches, that was of my deare wife, Mary White, with whom I was first acquaint-

ed and then enamoured at the Neurie. She was comd of very good parents ; her father being the second sonne of a knight, and her mother of ane other good familie of the Whites. She was thought by others, much more by me, to be of a good beantie. For the qualities of her mind, I have had such experience of them as they have renderd me happie amidst all the afflictions bath befallen me since. I did not then marry her, because at that time she was tenacious of the Roman Catholick persuasion, which was verie hatefull to our leading men of Scotland ; neither indeed, in the condition wherein I was then, could I maintaine her in any good fashion.'

We must not omit Sir James's statement of his change of views as to the quarrel (for we cannot call it *cause*) in which he had fought. This he places in the year 1644.

'I had then lookd a litle more narrowlie in the justice of the cause wherin I servd then formerly I used to do, and found I had done well enough in my engadgement against the bloodie rebels in Ireland. Bot the new Solemne League and Covenant (to which the Committee of Estates requird an absolute submission) summond all my thoughts to a serious consultation ; the result wherof was, that it was nothing bot a treacherous and disloyall combination against lauffull authoritie. Some captaines of my Lord Lothians (who were well enough principld, and had got good information of the designs of the prime covenanters from the late Lord Chancellor, E. of Glencairne,) and I communicated our thoughts one to another, and then I broke the matter first to my lieutenant colonell, and then to my Lord Sinclair. All of us thought it our duetie to doe the king all the service we could against his ungracious subjects ; and therefore resolvd not to take the covenant, bot to joyne with the Marques of Montrosse, who had the king's commission. In the meane tyme, we made faire weather with the Committee of Estates, till we got one thousand pound, and tuo hundreth sterline money for each regiment, and a sute of cloths for everie sojor. The Committee pressed much the signing of the Covenant, with many letters, messages, and messengers. We wavyd it with many specious pretences ; especialle we desired sixe weeks time to advice with our consciences, a thing they had granted to all other subjectes ; hoping before the end of that time to be in a capacitie to speake plainer language.'

Now we shall not call in question the sincerity of this conversion, nor shall we examine the validity of its grounds ; but we must be allowed to express our doubts whether the change undergone was to the better. The worthy major formerly reckoned it his duty, without examination, to do whatever he was commanded by his superiors, that is, his employers ; now, after being convinced that their commands are unjust, he still obeys them, only it is with the intention of turning their money and arms against themselves, that is, of betraying them. And what benefit did the king derive from his consultations with so many 'very loyal persons ?' O, had it not been for the perfidy of Calendar, ('who, with the deepest oathes, even asking the Supper 'of our Lord to turne to his damnation, which he was to take

'next Sunday, if ever he could engage under these, or with 'these Covenanters,') and for the neglect of Montrose, the latter might have 'joind with our two regiments—and he wold, 'with the assistance of Huntley in the north, and *those Irish who soon after came over from Antrim*, have reduced Scotland 'without bloodshed to their duty and obedience.—But the un- 'auspicious fate and disastrous destiny of the incomparable good 'king would not have it to be so.'—(P. 36.) Callendar accepted the command of the new parliamentary levy; and Turner, trusting, forsooth, to his broken vows, and knowing that he himself 'was vehemently suspected by the Committee of Estates, and ran the risk of imprisonment, if not worse,' agreed to act under him.

'Upon these grounds my Lord Sinclars regiment marchd into England, and I with them, and made a fashion (for indeed it was no better) to take the Covenant, that under pretence of the Covenant we might ruine the Covenanters; a thing, (thogh too much practis'd in a corrupt world) yet in itselfe dishonest sinfull and disavoueable; for it is certaine that no evill could be done that good may come of it.'

In this manner he continued to act, not for months, but for years. Leaving 'the incomparable good king' to his 'disastrous 'destiny,' or rather helping it forward, Sir James continued to fight under the parliamentary banners. We do not forget, that at Nottingham, he drew a petition to the king, 'according to the 'laudable custom of both the first and second covenanters,' before entering on any active hostility against him. But this was the only service which he performed for Charles. He was present at the siege of Newcastle, led the division which first entered the town when it was stormed, 'gave very good quarter,' but 'had not a pennyworth of the plunder.' While 'Montrose 'did those feats which hath rendered his name immortal,' instead of repairing to his standard, our author was marching southward into Gloucestershire, investing Hereford, and besieging Newark-upon-Trent; and he was actually employed in bombarding the last of these cities, when the king, being hemmed in on all sides, threw himself into the Scottish army, and when 'E. 'Lothian, as president of the committee, *to his eternal reproach*,' required his majesty to command the governor, Lord Bellasis, to deliver it up to the parliament's forces. Nay, at a subsequent period, (in 1647,) he was 'easily persuaded' to accept the place of adjutant-general, under Lieutenant-General Leslie, and to assist in cutting off that 'graceless and disobedient crew of desperadoes' from Ireland, by whose assistance, under Montrose, he had formerly boasted, that he would 'reduce Scotland without blood- 'shed to their duty.' The 'fanatics' could, at least, plead conscience for fighting against the king, and we have no doubt that

some of them acted conscientiously, when they brought him to the block ; but what shall we say for such sober-minded loyalists as Sir James Turner ?

The Scots have been accused of harsh treatment of Charles when he came to their army ; and it has been repeatedly asserted, that they sold their king to the English for a sum of money. Our author broadly makes the first of these charges, but barely insinuates the second. Both of them are unfounded. The king received all the marks of respect which he could expect. The sum which the Scots received was due as arrears of pay to their army, and had been fixed by the Parliament of England nearly four months before the king's person was intrusted to the English commissioners. Having come into England to assist the Parliament, and at its expense, it is doubtful if the Scots could have retained the king without breach of honour : they certainly could not have done it without bringing on a war between the two kingdoms. The commissioners of the two parliaments presented to the king their propositions for putting an end to the differences which had arisen between them, and restoring him to the exercise of the royal authority. Some of the conditions might be hard, though not more so than were to be expected from conquerors, who had too much ground to suspect his sincerity ; but Charles obstinately rejected them, and resisted all the entreaties of the commissioners, particularly those of Scotland, who, on their knees, besought him to consider the danger to which both he and they were exposed from the daily increasing power of the sectaries and enemies to monarchy. These representations only served to inspire the infatuated monarch with the hope, that he would obtain better terms by carrying on secret intrigues with the leaders of the Presbyterians and Independents. In vain did his best and wisest friends, who had risked their lives and fortunes in his cause, remonstrate with him on the folly of this conduct. He persevered in urging his scruples of conscience against consenting to the abolition of Episcopacy ; and yet when these scruples were examined, it was found that they resolved themselves chiefly into this,—that Episcopacy was more friendly than Presbytery to monarchy, that is, to arbitrary government. If any person doubts that we have assigned the true cause of the ruin of Charles at this time, we think the following extracts from his confidential correspondence will produce conviction. Writing to his counsellors, Lords Jermyn and Culpepper, and Mr Ashburnham, he says, ‘ Shew me any president wher ‘ ever Presbiteriall government and Regall was together, without ‘ perpetuall rebellions ; which was the cause that necessitated the ‘ king, my father, to change that government in Scotland. And ‘ even in France, wher they are but upon tolerance, (which, in

'likelihood, should cause moderation,) did they ever sit still so long as they had power to rebell? And it cannot be otherwise, for the ground of their doctrine is antimonarchical. Indeed, to prove that clearly, would require more tyme, and a better pen, than I have.—I will say, without hiperboly, that ther was not a wyser man since Salomon, than he who said, 'No bishop, no king.'* The reply which the persons above named made to his majesty, proves, that he did not perish for want of sound counsel. 'If by conscience your meaning is, that you are obliged to doe all that is in your power to support and maintaine that function of bishops, as that which is the most ancient, reverent, and pious government of the church, we fully and hartaly concur with you therin. But if by conscience is intended to assert, that Episcopacy is *jure divino* exclusive, wherby no Protestant (or rather Christian) church can be acknowledged for such without a bishop, we must therin crave leave wholly to differ. And if we be in an errour, we are in good company; ther not being (as we have cause to believe) six persons of the Protestant religion of the other opinion. Thus much we can add, that, at the treaty of Uxbridge, none of your divines then present, (though much provoked therunto,) would maintaine that (we might say, uncharitable) opinion; no, not privately among your commissioners.—The question, in short, is, whether you will choose to be a king of Presbiterly, or no king.'† The same arguments, substantially, were used by Henderson, Blair, and the other presbyterian ministers, who had access to his majesty at Newcastle; for they were all cordially attached to royalty and the reigning family. But what security could they have for the existing ecclesiastical establishment in Scotland, from a king who persevered in declaring, that presbytery was essentially antimonarchical and rebellious, and not entitled even to 'tolerance?'

The observations we have made may be considered as determining the question as to the war which the Scottish parliament entered into with England in 1648, with the view of rescuing the king; and which is commonly called Duke Hamilton's Engagement. Such readers as wish information respecting the

* Clarendon's State Papers, vol. ii. p. 260, 274. When Mr Robert Blair was officiating as chaplain at Newcastle, the king found fault with him for determining a controversy in prayer, because he had called the Pope antichrist. Mr Blair replied, he was sure that was no controversy to his majesty's father. 'This silenced the king, for he was a great defender of his father's opinions.' (Blair's Memoirs, p. 104.)

† Clarendon's State Papers, vol. ii. p. 202.

military operations in this disastrous expedition, will find it in Sir James Turner's narrative; but we look in vain into it for any thing like a defence of the war on sound political principles. Indeed, we have often been confounded at the way in which writers of great ability have treated this portion of our history. They content themselves either with railing against the opposition made by the church, or with censuring the military conduct of Hamilton. Now, we must be excused for saying, that this argues a very shallow understanding of the subject. To call the expedition unfortunate, is an abuse of terms; it was mad. To say it was ill-conducted, is to say nothing; the evil lay in its very conception. It palpably led to the execution of the king, the subversion of the monarchy, and the subjugation of Scotland; for subjugated it was, though not so abased and trampled upon as it was after the Restoration. Hamilton was not a better politician than he was a general. The party which protested against the war, and of which Argyle was the head, pointed out what was unquestionably the true line of policy. What was their plan? Simply this, that the army should be kept up; and that the kingdom, without declaring war, should remain united in adherence to the public interest which the two parliaments were solemnly pledged to support. Thus Scotland would preserve a commanding attitude, both morally and physically, which could not fail to give weight to her representations. This would encourage the English Parliament to resist the arrogant and unconstitutional demands of their army; and it would deter any party from doing violence to the person of the king, while it allowed him time to be undeceived, and to consult his true interest. To accomplish this object, and at the same time to ease the country, the officers had agreed to relinquish a third part of their pay; an act of disinterested patriotism at which our author is pleased to sneer. (P. 50.) These wise measures were defeated by the rash vote of the Parliament to send an army immediately into England, in consequence of a secret negotiation which the Earl of Lanerk, brother to the Duke of Hamilton, had carried on with the king; upon which many of the old officers resigned, and their places were filled up with persons who possessed neither their military talents nor their principles. Though Scotland had been united, it is more than probable that the invasion of England at that time would have been unsuccessful; but when the vote to engage in hostilities was carried in opposition to a most respectable minority in Parliament, and to the declared opinion of the ministers of the church, who, besides the influence which they possessed over the public mind, had a deep interest at stake in the quarrel, it was worse than infatuation to make the attempt. The

issue is well known. The Scottish army was totally routed; and, soon after, the king was arraigned, condemned, and, in spite of remonstrances from the civil and ecclesiastical authorities of Scotland, and from various parts of England, was brought to the block. Sir James Turner refers to a conversation, 'in the Lady Hume's house in the Canongate,' between Cromwell and some of the leading presbyterians, at which the latter agreed, 'that there was a necessitie to take away the King's life.' (P. 69.) Now, we could produce good authority to show, that, instead of this, the conversation referred to infused into the minds of the presbyterians a strong distrust of Cromwell; but we reckon it sufficient to appeal to the testimony of Sir George Mackenzie, as stout a cavalier as Sir James, and much better acquainted with the discoveries made after the Restoration, who says, 'after several trials, it was found that no Scottisman was in accession to the murder of that incomparable prince.'*

Had the expedition under the Duke of Hamilton been successful, there can be little doubt that the reform in church and state, for which the Parliament had been contending, would have been abandoned and lost. Our author, indeed, would have us believe, that the opposition to the Engagement was grounded chiefly on the circumstance, that the command of the army was given to Hamilton, instead of Leven. No person who is acquainted with the facts of that period can accede to this supposition. It is true, that strong, and not unreasonable, suspicions were excited by the appointment to military posts of men who had been cold or disaffected to the cause hitherto maintained by the Parliament. On this head a very judicious person, Mr Patrick Sympson, minister of Renfrew before the Restoration and after the Revolution, has the following remark:—'The Montrosians might as well, for any thing I know, have been taken upon the Engagement as some others. For I have ground to think Montrose himself died a presbyterian; for I myself heard him, the day before he died, (being in conference with some ministers,) say, Bishops, he cared not for them, and never intended to advance their interest; that he adhered to the National Covenant, which he took, but was against the League and Covenant, for the reasons he then gave; that he would gladly have been reconciled to the Church of Scotland, and relaxed from their sentence, but could not take with those things charged on him as sin, which he judged his duty.' It is also true, that the Parliament, to gain their object, especially after the church had declared against it, agreed to rest the Engagement on nearly the

* History of Scotland, pp. 51, 52.

same grounds on which the late war had been carried on; and Turner, in a paper which he wrote at a late period of his life, affirms, that 'Duke Hamilton, in 1648, really intended the performance of what was promised to the church.' But Sympeon, already referred to, has justly remarked, that this affirmation is flatly contradicted by the authentic documents published in Bishop Burnet's *Memoirs of the Dukes of Hamilton*, which Sir James had an opportunity of perusing before, as well as after, their publication. In the year 1661, when the Act Rescissory was under consideration, it was proposed by some members that the Parliament held in 1648 should be excepted from its operation; to which the Earl of Middleton, Lord High Commissioner, replied, 'We were designing then the same thing which we are doing now, though we professed the quite contrary. We went into England like a number of hypocrites, and were driven out of it like a company of sheep. Let that Parliament go with the rest.'*

It may be proper to notice a service in which Major, now Colonel, Turner was employed by the managers of the Engagement; as it throws light on his subsequent military operations in Scotland. The nation being divided in opinion as to the lawfulness of the war, and the clergy decidedly averse to it, the recruiting of the army went on slowly, and was in some places resisted. To remove these obstructions, Turner was sent to Glasgow with his regiment, and three troops of horse.

'At my coming there I found my worke not very difficill; for I shortly learnd to know, that the quartering tuo or three troopers, and half a dozen musketeers, was ane argument strong enough, in two or three nights time, to make the hardest headed Covenantanter in the toune to forsake the kirk, and side with the Parliament.'

'This was that great and well neere inexpressible sinne which I committed against the sacred soveraigntie of the kirk; for which all members were so implacable and irreconcilable enemies to me afterward. Finding my Glasgow men groune prettie tame, I tenderd them a short paper, which whoever signed I promised should be presentlie easd of all quartering. It was nothing bot a submission to all orders of Parliament, agreeable to the Covenant. This paper was afterward by some merrie men christend Turner's Covenant.'

All this appears to have been a very simple and easy process; but take the particulars as given by one who was present. 'On some 10, on some 20, on others 30 soldiers and more, did quarter, who, beside meat and drink, wine and good cheer, and

* Mr Andrew Sempill, town-clerk of Renfrew, and commissioner from that burgh to the Parliament 1661, related this anecdote to his minister, Mr Patrick Sympeon.

‘whatever they called for, did exact cruelly their daily pay, and much more. In ten days they cost a few honest but mean people 40,000 lb., besides plundering of those whom necessity forced to flee from their houses.’* The depredations of the soldiers on that occasion gave rise to the saying, ‘that Turner’s lambs were worse than Montrose’s wolves.’

Turner, who had been taken prisoner after the rout at Preston, contrived to procure his release, and repaired to the continent, whence he came to Scotland, subsequently to the coronation of Charles II. at Scoon. The Parliament, in 1649, had excluded those who took part in the Engagement from civil and military posts; but after the defeat at Dunbar, a resolution was passed, with the consent of the Commission of the General Assembly, to re-admit them, on their professing their repentance. This gave rise to a division among the Presbyterians, into Resolutioners and Protesters. The latter affirmed, that the professions were feigned, and that the pretended penitents intended to use the powers which they acquired, to overturn the established religion and lately acquired liberties of the nation. This was denied by the other party, in support of whose views, Sharpe (afterwards Archbishop of St Andrews) delivered a laboured harangue before the Protector and his council at Whitehall. Let us hear what our author says on the subject.

‘Behold a fearfull sinne ! The Ministers of the Gospell ressavd all our repentances as unfained, thogh they knew well enough they were bot counterfeit ; and we on the other hand made no scruple to declare that Engadgment to be unlauffull and sinfull, deceitfullie speakeing against the dictates of our oune consciences and judgments. If this was not to mocke the allknoweing and allseeing God to his face, then I declare myselfe not to know what a fearefull sinne hypocrisie is.’

Turner was taken prisoner, for the second time, at the battle of Worcester, effected his escape from confinement, and, entering into the service of Denmark, was employed in levying soldiers for it against his old masters the Swedes. On his return to Scotland at the Restoration, he complained, like many others, that his exertions and sufferings in the royal cause were unrewarded. This he imputes to an umbrage conceived against him by the Earl of Middleton, over whose fall he moralizes in the following distich, translated by him from Tasso :

Sudden and hie advancements, frequentlie
By precipiteous downfalls follow’d be.

Charles, however, conferred on him the honour of knighthood. His Majesty would have done him a greater service, had

* Baillie's Letters, vol. ii. p. 294.

he touched him for the *King's Evil*, and cured him of his slavish disposition to execute every command which issued from those in power. By the way, Sir James appears to have been a sincere believer in the miraculous gift alluded to, and in one of his unpublished essays, has shown that it is confined to legitimate sovereigns, and never varies from the just line of hereditary succession. Having traced it in the royal lines of France and England, he continues thus :

‘By what meanes those two kings workes that cure, others may inquire ; once certain it is they doe it frequentlie, but not always. The cure, no doubt, is wrought by the Allmightie phisician of bodies and soule. The king toucheth, after devout prayers and reading some parcells of holy scripture. It is to be observed that if any usurpe the crowne of France or England, though they be fullie invested with the soveraigntie therof, yet because they are not the lawfull successors, they cannot heale that evil, and therfor Cromwell did well never to attempt it. Neither doth exile, banishment or absence from France or England of either of the kings hinder the cure. I saw the king now raigning touch severall hundreths both in the Spanish Netherlands, and in those belonging to the Generall Estates, who were (for any thing I know) all cured, and that many of them were, I had it related to me from severalls of their friends.’

In 1661, the Restoration Parliament having, in a frenzy of loyalty, or rather a fit of drunkenness, declared all the parliaments held since 1633 to be illegal, Middleton, to please the king and the Earl of Clarendon, procured the re-establishment of episcopacy. The king, in a letter to the presbytery of Edinburgh, had, during the former year, promised to preserve the government of the Church as settled by law ; and, with the view of covering the breach of the royal word, recourse was now had to the wretched sophism, that the laws establishing presbyterianism being annulled by parliament, episcopacy was the legal government of the Church. With a very few exceptions, the nation was decidedly hostile to prelacy ; but the managers of that time, having neither conscience nor principle themselves, thought that others were equally destitute of them, and determined to enforce not only a passive submission, but an active conformity to the arbitrary will of the court, even in matters of religion. By a single act of Privy Council, two hundred ministers were ejected from their parishes, a number which was soon nearly doubled ; and their places were filled by low, uneducated, graceless, and, in many instances, immoral men, whom the people, by a name more odious than accurate, called Curates. Proclamation after proclamation was directed against the ousted ministers, who were at last ordered, under the pains of sedition, to remove themselves and their families twenty miles from their own parishes, six miles from every cathedral, and three miles from every royal burgh, while two of them were not allowed to

reside in the same parish—one of the most wanton pieces of absurdity which the history of legislation furnishes; for, in the first place, it subjected persons to punishment, perhaps death, for a blunder in geography; and, in the second place, we do not believe the most ingenious geographer could find out so many spots in Scotland situated at the distances marked out in the proclamation. Warmly attached to their own ministers, and detesting those who were intruded into their places, the people, especially in the south and west of Scotland, deserted their parish churches in great numbers, and sought their spiritual food either in the neighbouring parishes, or from the ejected ministers, who performed divine service in private houses, and a few of them in the fields. To correct these irregularities, fines were imposed by the Council on those who received the silenced ministers into their houses, or attended their sermons, or absented themselves from their own parish churches, or whose wives, children, servants, or tenants, were guilty of these offences; and a military force was employed to collect the fines.

Sir James Turner was judged a fit person for carrying these odious and oppressive measures into execution; and although he could not but feel himself degraded, he made no scruple of undertaking the task. According to his own account, he was engaged in expeditions of this kind during the years 1663, 1664, and 1665, in Ayrshire, and in the counties of Kirkcudbright and Galloway; 'It being my fate,' says he, 'that nothing was intended to be done that was displeasing in that countrey, but wherin I was made instrumentall.' He tells us, he had the thanks of the Privy Council given him for his services; and he was made a member of the High Commission Court,—an honour of which he takes no notice. In 1666, he made his last and most noted expedition; being sent into Galloway and Dumfries-shire, with 120 foot and 80 horse.

'I was sufficientlie impouerd, with orders and instructions from my Lord Commissioner, for censing, quartering on and fining persons disobedient to church ordinances; neither had I at all any order to cite or procease formallie the contemnners and disfrequenters of churches, and these who married and baptised with outed ministers; all which persons could not be dilated to me by the conforme ministers, for they knew lesse than I, which of their parishoners frequented conventicles. They might indeed misse them out of their churches, bot could not tell where they were. I was commanded to make inquirie after such, and to bestow liberallie upon intelligence, both to find them out, and the fugitive ministers, (whom I had order to apprehend,) and to find out such who harbourd them, and to quarter on them, and fine them. And by this meanes, I was more able to informe the Bishop and Ministers of these disorderlie meetings, and who were at them, than they could informe me.'

What madmen must the rulers of that time have beer

imagine that the peace of the country could be preserved in such circumstances! Had not the people been better men and Christians than their superiors, they would have risen in a mass, and cut off the scattered soldiers, with their leader, who preyed on them in this lawless manner. They did at last rise; but the manner in which they conducted themselves, so far as relates to humanity at least, was such as to entitle them to praise, and from none more than the author of these Memoirs. They disarmed the soldiers, made Sir James Turner a prisoner, and called upon the government to redress their grievances, and upon their countrymen to support them in seeking that redress. The history of this insurrection, which was suppressed by the king's forces, under General Dalziel, at Pentland, is already well known. A narrative of it, written by Colonel Wallace, who commanded the insurgents, was lately published;* and in the Memoirs before us, we have a similar narrative by one who accompanied them as a prisoner until their dispersion. The two narratives agree in all the material facts; and we have only a very few remarks to offer on that of Sir James Turner, and on the defence of himself, which he has subjoined to it.

Sir James states, that, at the scuffle which led to the insurrection, one of his soldiers was wounded, 'because he refused to 'signe the Covenant,' and another killed next day, 'because he 'would neither take the Covenant, or cared for their quarter.' (Pp. 148, 151.) Now, this, to say the least, is a proof of great credulity; for, so far from having copies of the Covenant for signature, the insurgents had not then resolved to take that oath themselves. Who would have expected that Sir James Turner would bring it as a charge against 'the fanatics,' that, while he was in their army, he never heard their ministers 'either pray, 'preach, or sing psalms;' and that he never could learn that they practised it publicly more than three times! (P. 169.) Of the same kind are his censures of them for violating the Sabbath by 'exercising in a military way.' In the same strain does he accuse them of 'plundering' horses and arms, and 'stealing a silver-spoone and a night-gowne;' adding, with great gravity, 'I 'have heard many poore people curse them *for taking free quarter*!' (Pp. 167, 169.) From the pleasure with which Sir James recurs to this topic, it is evident that he would have been gratified at finding the insurgents oftener employed in a trade with which he had himself been so familiar. He even waxes witty on this theme. 'Not a few,' says he, 'I saw go into Fulford, not

* Memoirs of Mr William Veitch, &c. p. 388—432. Edinburgh, 1825.

‘to plunder, (for that was an odious word in the eares of the saints,) bot only to enquire how Sir William Purves his cellars were provided. His servants can tell if these pious people did offer any drinke money for what they ate, dranke, or tooke.’ (P. 180.) The sober truth, however, is, that their moderation and respect to private property, during their march, were such as to extort the approbation of their adversaries.* Sir James himself may be produced as a witness on this head.

‘At this place, I neither heard prayers, psalmes, or preaching; yet one of their ministers (and they said, it was either one Guthrie, or one Oglebie) made a speech to them, which, if his cause had beene good, had not been evill. He desired them to remember that covenant and oath of God, which they had surne the day before, and that they were obliged to cary themselves not onlie piouslie to God, bot civille and discreetlie to man. —“Bot,” said he, “you must not stop there, for to be civil to those who are good to you, deserves neither thanks nor reward. Bot I intreate you,” said he, “to use all imaginable discretion to those who are not of your persuasion; endeavor to gaine them with love, and by your good carriage, stop the mouths of your adversaries.” This speech, though it was not unworthie a Christian, thogh a rebell,’ &c.

He acknowledges the civility and respect with which he was treated by the officers generally, and by Colonel Wallace in particular. (Pages 162, 163, 177, 181.) The following is his account of the discipline of their army, which he says never exceeded 1100 men, including horse and foot.

‘I doe confesse, I never saw lustier fellows, than these foot were, or better marchers; for thogh I was appointed to stay in the reare, and notwithstanding these inconveniences, yet I saw few or none of them straggle.’

‘There I saw tuo of their troopes skirmish against other tuo, (for in foure troopes their cavallerie was divided,) which I confesse they did handsomlie, to my great admiration. I wonderd at the agilitie of both horse and rider, and to see them keepe troope so well, and how they had comd to that perfection in so short a time.’

In defence of his conduct before the insurrection, Sir James pleads, that he was exonerated by the Privy Council—that the acts of oppression of which he was accused were exaggerated, and unsupported by evidence—and that he was warranted in all that he did by his instructions. With respect to the first plea, not to insiat that his judges were implicated in his deeds, the exon-

* ‘They were a poor, harmless company of men, become mad by oppression; and they had taken nothing during all the time they had been together, but what had been freely given them by the country people.’ (Burnet’s Own Times, a. 1666. Comp. Naphtali, p. 218. Memoirs of Veitch, &c. p. 47.)

ration by the Council is expressly declared to proceed upon this ground, that 'they conceave there would be a difficultie to prove *'legallie* the charge given in against him by the countrey.' In fact, they acceded to the modest proposal which Sir James had made to them at the beginning; for, says he, 'I freellie told them, 'the shortest way wold be to take my own relation, which I 'promised should be a faithfull one.' And he knew they would be obliged to yield to this; for he pleaded that all those from whom he had exacted cess or fines were 'parties,' and that 'no 'witnesses could be led against him bot those who were *socii 'criminis*,' i. e. his own soldiers. (Pages 202, 204.) In short, the whole was a farce, got up to quiet the public outcry, and to save the credit of government. The sum acknowledged by Turner does not include 'what was exacted from any of those 'who rose in rebellion;' as to which he says, 'it was bot litle.' *Credat Judæus Apella*. In illustration of his second topic of defence, he calls upon his 'nameles libeller and shameless Naphtali' to appear openly against him. A very safe challenge, truly! He alleges also, that he often exacted only the half of the fines, and that none of the rebels at their execution 'blamed him for oppression, or directlie or indirectlie insinuated that he had occasioned 'the insurrection;' for the truth of which he appeals to the work called *Naphtali*. This is passing strange, when Sir James had staring him in the face the joint testimony of ten of the sufferers, including Major Macculloch and Captain Arnot, subscribed on the day of their execution, and printed in the book to which he refers.* In addition to the overwhelming mass of evidence already published, we have before us documents which convict Sir James of gross oppression. For example, Major Macculloch had soldiers quartered on him for thirty days, and paid L.100 for church fines, besides 1200 merks for fines by Middleton, and 300 merks for riding money. William Maclellan of Barmagechan, in a declaration made on his deathbed, written by his son, and attested by James Monteith, minister of Borg, states, 'that a party of soldiers being sent by Sir 'James Turner to quarter in his house, destroyed ane part of 'his furniture, and carried off another, upon which he went to 'Sir James to seek an order to remove them; but, instead of 'getting a removal, Sir James caused apprehend his person,

* *Naphtali*, p. 307. 'We, with others, for our simple forbearance, 'being fined, confined, imprisoned, exiled, scourged, stigmatized, beaten, 'bound as beasts, and driven into the mountains for our lives—and all 'this either arbitrarily, and without any law,' &c.

* and put him in his court of guard, until he should pay the fine, and also pay cess-money to the soldiers.' Afterward a party of horsemen was sent, and he was obliged to pay 600 merks Scots of fine, and 2s. sterling a-day to each soldier. 'So, (continues the declaration,) because of such cruel oppressions used upon him and many others, he and others did rise in defence of their lives and liberties.' Sir James does not deny that persons who came to complain of the insolencies of his soldiers were refused access to him; but then on such occasions he was always 'taking phisicke' or 'letting blood.'

We reject at once Sir James's last plea, that he was borne out in all that he did by his Instructions; meaning those which he received from Rothes, the commissioner, and the two archbishops. No commission can authorise or justify an immoral; oppressive, or barbarous deed. The person who performs it, if he cannot be made legally, must be held morally responsible. If tyrants did not find instruments to execute their arbitrary and unjust orders, tyranny would cease. But Sir James was aware, that the orders under which he acted were illegal; and he assigns this as the reason why he did not produce his Commission, —that it would have injured his employers, without being of benefit to himself. (P. 205.) It may be more difficult to find a reason why he did not insert it among his papers for his future justification. We happen, however, to have before us a copy of these instructions, the genuineness of which there is no reason to doubt. They appear to have been those which were given by Rothes, on the 6th of March, 1666; and we insert them without comment, as characteristic of the men and measures of that time.

INSTRUCTIONS FOR SIR JAMES TURNER.

'Beeinge sufficiently informed, that in Galloway and severall other shyres of this kingdome, there are Conventicles kept, contrare to the established lawes of church and state; 1. You shall therfor march with ane hundred foote out of thos companies in Glasgow to Galloway, and quarter on the houses of thos that recepts the Conventicles, or keepes disorderly ministers, or on the houses of thos that frequent thos unlawfull meetings, till aplication be maid to me, and you receive further order theranent.

'2. You shall apprehend all ministers that keeps thos Conventicles wher ever you can find them, thought ye know not ther names; and if need bees, require the assistance of the civill magistrat for that effect.

'3. You shall also apprehend all personnes carying arms, seeinge some disorderly ministers disguisses themselves under that collour: and after tryall if you have not your end, no gentillman will take it ill that you doe your dentie accordeinge to your order.

'4. You shall punctually observe, and give obedience to the bishop of the diocesse, or any minister apointed be him, who shall give in to you a

subscribed list of the disorderly withdrawers from ordinances, and exact the penalties, without noticing the mediation of any minister, or others that shall interceed for them.

'5. You shall, when you find any of thos disorderly persons, that shall pretend povertie as to the payment of the penalties, quarter upon them till they give satisfaction, that others may be terrified.

'6. You shall, if you find any pepole in armes, either goeing to Conventicles or comeing from them, aprehend them and sease upon them; and if they offer any resistance, that you deal with them as ane publick enimie; in arms against his Ma^{tie}, and the lawes and government of this kingdome.

'7. You shall not fail, to give me ane accompt, once in ten or twelwe dayes, of what you discover, and of your wholl proceedure, that so I may renewe your instructions, as shall be found fitteing, and convenient for the humour of the pepole you are amonge.'

'O that mine adversary had written a book!' exclaimed an ancient sufferer. This gratification the shades of the Covenanters have obtained. The book has been written and printed; and few of its readers, we apprehend, will be disposed to form a worse estimate of their character, or a more favourable opinion of their oppressors. The greatest criminal ever brought to the bar must be better acquainted with the facts of his case, than the public prosecutor, or any of the witnesses called to depose against him, and thus may be able to point out inaccuracies in the indictment or the evidence; but if he shall rashly commit himself by making declarations, or by giving a detailed narrative of his conduct, it is almost certain that he will be betrayed into confessions, which, though they may not form a complete ground for legal conviction, will leave no doubt on the mind as to the reality of his guilt.

Since the above was written, we have met with direct evidence of the truth of our assertion, respecting Turner's trial before the Privy Council, as reported by himself,—that it was a farce. From the confidential correspondence of the agents of government, it appears they were satisfied that Sir James had grossly abused his powers, and must have been convicted, had they deemed it prudent to prosecute him legally. The following is an extract of a letter from the Earl of Tweeddale to the Earl of Lauderdale, dated February 18, 1668; and we give the first part of it, because it furnishes information respecting the insurgents dispersed at Pentland, which we do not recollect to have met with elsewhere.

'Of the rebels we have comed to this count: 218 have taken the benefit of his Mat^{ies} gracious pardon; 309 have neglected it; about 80 wer kild in the fild; 40 execut; 31 dead in the Stewartry and Dumfriesshyr, we know not what in the rest; 30 are fugitive, and 20 forfawlted; the rest ar fled out of the country, or had noe constant residence, belonging

to other shyers, and ar still vagabonds. Now most conclud, ther wer not 1000 at the fight; and this account is of about 700.

'Yesterday afternoone the tryal of Sir James Turner was brought to a conclusion by the Committee, and will be reported in Council on Thursday, and possibly transmitted that night. He hes acknoldged mor then may doe his turne as to imployment, and if prosecut the length of a proces might draw deep; and this morning he wrott to M. R.* a very hansom letter, at reading wherof we could not chuse bot say, he was a better secretar then sojer, and should mak use of his pen, bot never of a sword mor. He confesses 30,000 lb. Scots lifted in that country; much hes been also lifted by others. The council most ask the king's pleasur, how what is recoverable should be disposed of. * * * *

Sir Will. Balendean wald sayn putt of counting till June; bot he shal find cawtione for count and payment befor he goe: and treuth is, all the accounts we meet with of the rebels estaits rune thus; the half of what is lifted is spent in the lifting by the parties, notwithstanding they have free quarter in the country, and the king's pay; that is to be thrys payd. Bot half I supose went to the officers, and a great part of the other half is given upon precept at pleasure of the Comiss^{ar}, or General persons, or for ther use; as we find 1000 lb. given for the charg of cornet and trumpets, and ther caparisone, to the General Dyel's troupe. The treuth is, it is a shame to see what spul of the country and prey of the king's revenue hes bein mead.'

Sir James Turner acknowledges that he 'had strong obligations to Tweddail,' who was President of the Committee appointed to investigate his conduct, and to Sir Robert Murray, 'for their kindnes in the report.' Rothes, who was Chancellor as well as High Commissioner, felt hurt at the manner in which he was implicated by Turner's statements; and the method adopted for his exoneration will appear from the following extract of a letter from Tweeddale to Lauderdale, dated March 10, 1668.

'Yours of the 5 received Sunday at noone. I went after sermon to my Lord Chancelour with the king's letter to the council, which I said I supposed was soe directed and sent least he should not have been arrived. He asked what I knew of the subject. I told that you wrott to me it was ane ans. to the counceils concerning Sir J. Turner, and that the king had commanded his comissione to be called for; that Kelly was to have the company, and Hury to be Major. He said he had heird of that report, and that strang things wer mead out aganis him, that he had wronged him in aleadging his comissione for his warrand. I told him how far we had pushed that, and at lenght had bid aleadg nothing upon what he could not produce. Then the Ch. said, will not it be time enought in Aprile council day. I represented how unfit it wer a letter of the Kings should lay soe long, and soe many in toune. If, said he, that my aprobatone can be ready

* Sir Robert Murray.

past the seals to read in council, we shall meet on Tuesday morning. * * * This morning wee met in council, and S^r James Turner waited on, I having sent him word that the King's ans. in his business was come. The Ch. Exoneratione was first read, then the letter, and S^r James was called in and told the King's pleasur, to which he spoke both hansomly and submissively, and delayvered up his comissions.'

In his Memoirs, Sir James has repeatedly referred, with evident marks of sore feeling, to the 'nameless libeller,' the author of a statement of the oppressions suffered in Galloway and Nithsdale, which was extensively circulated in manuscript after the insurrection was suppressed, and, by the impression which it made on the public mind, led to the investigation of which we have spoken.* Sir James drew up an answer to this statement, addressed to the Lords of the Committee, which is now before us. It consists generally of a simple denial of the charges; but when he enters into a particular defence of himself, he more than once makes admissions which 'draw deep.' The following is one instance of oppression complained of in the libel:

'10, In the same paroch (Balmaclellan) ane ould deaf man was soe tossed, what by being drawine before the hie-Commissione, what by ruide useadge at home, that he took sickness and dyed, and having first payed 52 rix dollars, and then givene bond for 350 lbs. Scots. And notwithstanding, the poore widdow, since his death, hath paid 120 lbs. being quartered upon manie dayes, till she was forst to leave her hous, and now through coald and double grieff hath contracted seiknes, and is at the poynt of death.'

To this charge Sir James replies as follows:

'The old deaf man he meant in his 10 instance, never payed more than a 100 lbs. Scots, and his penalty extendit to 600 lbs. He was a most malicious fellow, and I pray your lordships observe how the lybeller useth the Commissione for church affaires. That fellow left a legacy to his familie to pay their penalties with for not goeing to church, and his curses to all them if they did goe. It's true, I caused his wyff pay 120 lb. Scots in the latter end of the last May, a tyme when people ordinarily doe not catch cold.'

Before concluding the article, we may shortly advert to Sir James Turner's conduct after he was deprived of his military commission. Whether he succeeded in his humble supplication to his Majesty for a 'gratuity,' in consideration of services performed to him and his royal father, we do not know. It is probable he was unsuccessful; for it appears, from the letters appended to his Memoirs, that he attached himself to the Duke of

* Copies of this statement are still preserved in manuscript; and the substance of it is to be found printed in *Naphtali*, p. 266—274.

Hamilton, who was in opposition to the ministry. From 1668 to 1680 he resided privately in Glasgow; and Bishop Burnet, who knew him at that period, says, he had then 'come to himself,' and confessed, that 'it went often against the grain with him to serve such a debauched and worthless company as the clergy generally were.' But the restless knight came to himself again, and once more resumed active measures against his old friends, the fanatics. On the fall of Lauderdale, the Duke of Hamilton was received into favour, and Turner obtained the double appointment of commander of a company of dragoons, and commissioner, with justiciary powers, to try the rebels within the shires of Lanerk and Dumbarton. In the exercise of his powers in the latter capacity, which were no less illegal than those under which he had formerly acted, he was concerned in proceedings of a most unjustifiable character.* As a military officer, he was employed in hunting out and seizing those who were to be brought before him as a criminal judge. In the correspondence which he carried on at this period, and which is printed at the end of his Memoirs, we find frequent mention of the noted troopers, (so frightful to the country,) Inglish, Kennoway, and Creighton; and the same documents give us a glimpse of the shameful arts employed, by persons high in rank and command, to screen from punishment such of their subordinate officers and men as had been guilty of illegal and oppressive acts.†

Sir James being again allowed to handle 'a sword,' was determined also to 'make use of his pen,' at which the privy counsellors had pronounced him so dexterous. In 1680, the Cameronians, (who have been erroneously identified with the main body of Presbyterians, or Covenanters,) inflamed by persecution, put forth the *Sanquhar Declaration*, in which they disowned the king, and advanced some sentiments of a dangerous description. Soon after, there appeared a paper entitled *Hackston's Ghost*, professing to come from one of these ultracovenanters, and asserting that the principles of the Sanquhar

* Wodrow, ii. 338, 348, 372.

† See particularly two letters from Lord Ross to Turner, pp. 292, 293. The correspondence, too, between the Earl of Arran and Sir James, relative to a regiment which his lordship was raising for the Dutch service, discloses some very dishonourable transactions, to which noblemen at that time were not ashamed to be accessory, by kidnapping men, or throwing them into prison as rebels, and then shipping them off to Holland as recruits.

Declaration were those held by Presbyterians in general during the late civil war, and especially in the years 1648 and 1649. This squib was ascribed at the time to Bishop Paterson; but we have no doubt that it proceeded from the pen of Sir James Turner. It is certain that he followed it up by different controversial pieces—whether printed or not we cannot say, but extensively circulated—in which he carried the attack much farther than had been done by the *Ghost*; charging Knox, Buchanan, and their coadjutors, with antimonarchical principles, and representing the whole procedure in the Scottish Reformation as a course of rebellion against lawful authority. We mention this fact, because it presents us with the prototype of those tirades, which, in the form of satire or history, proceeded from the Jacobites after the Revolution, and betrayed a spirit and sentiments not previously evinced by Episcopalians either in Scotland or England.

We have occasionally looked into Sir James's literary effusions, of which a list is given at the beginning of the Memoirs; comprehending disquisitions on history, morals, religion, &c., in prose and verse. These the editor has wisely allowed to remain in manuscript. The poetry is wretched, the prose passable as to style, the sentiments commonplace; always excepting his doctrine as to the duty of subjects, to which we do not know well what name to give. As held by others, it has been called *passive obedience*; but, as pleaded for and practised by Sir James Turner, it is entitled to the more intelligible name of *active obedience*; nor is the reader perplexed with those nice casuistical distinctions between legal and illegal, constitutional and unconstitutional, just and unjust, with which other writers have thought it necessary to guard their doctrine on this head. Murder and assassination become innocent, and even glorious deeds, when sanctioned by the authority of a crowned head. Speaking of General Wallenstein, Duke of Friedland, and his assassination during a feast, by Gordon, Leslie, and Devereux, agents of the Emperor of Germany, Sir James says—'This act of theirs was, in my opinion, noble and generous, though many have bene pleas'd to give it the contrarie character.' And having occasion to speak of the person who murdered the patriotic William, Prince of Orange, he expresses himself in the following terms:—'I am farre from reckoning him among martirs, for all his patience; neither can I call him an assassin, since he had a public warrand from his soveraigne, the King of Spaine, for dispatching that revolted prince.'

ART. III.—1. *An Introduction to the Latin Tongue. For the Use of Youth.* A new Edition, carefully revised and improved. Eton, 1829.

2. *Græcæ Grammaticis Rudimenta, in usum Regiæ Scholæ Etonensis.* Editio nova, accuratissime recognita. Etonæ, 1829.

3. *Scriptores Romani, in usum Regiæ Scholæ Etonensis.* Etonæ, 1829.

4. *Scriptores Græci, in usum Regiæ Scholæ Etonensis.* Editio altera recognita, et cum multis notis evulgata. A. J. W. NISLOCK, A.B. ex Aula Sancti Edmundi, Oxoniæ. Etonæ, 1821.

5. *Poetæ Græci, in usum Regiæ Scholæ Etonensis.* Editio nova, recognita et aucta. Etonæ, 1828.

6. *A comparative Atlas of Ancient and Modern Geography, from original authorities, and upon a new Plan, for the use of Eton School.* By A. ARROWSMITH, Hydrographer to his Majesty. London, 1828.

7. *Index to the Eton Comparative Atlas of Ancient and Modern Geography.* By A. ARROWSMITH, Hydrographer to his Majesty. London, 1828.

8. *A List of Eton College, taken at Election.* Eton, 1829.

‘THE judge is condemned when the guilty man is acquitted,’ says our motto. This maxim, though some have thought it too severe, may be fairly applied in courts of literature; as these tribunals only judge persons who offer themselves for judgment on their own testimony. In some cases, however, in default of other information, we are compelled to act both as advocate and judge; and, like the Ephors of Sparta, to collect the facts, to make the charge, and decide upon its truth or falsehood. The assumption of this double character, we are aware, imposes a double necessity of attention to the fairness of our proceedings; and it shall be our endeavour to keep this obligation steadily in view, in attempting to lay before our readers an account of the system of education pursued at one of the chief Public Schools of England,—a seminary equally renowned for its antiquity, its wealth, and the number of its students.

We shall not at present enter upon the early history of the College of Eton, or examine its statutes and charters.* Our

* For which see Appendix (A) to the Fourth Report from the Select Committee on the Education of the Lower Orders, 1818. Besides the Universities of Oxford and Cambridge, and their several Colleges, the three Colleges of Eton, Winchester, and Westminster, are alone excepted from the Mortmain Act.

only object is to give a faithful picture of that ancient establishment as it actually exists ;—to describe the mode of education, and the system of moral and religious discipline there adopted, so as to enable our readers to form an opinion on the amount of intellectual and moral improvement to be expected from a residence in it.

The College of Eton is formed of the Provost and Fellows, who do not directly interfere in the government of the school, but have the privilege of nominating the upper and lower Masters, who have respectively the management of the upper and lower Schools. Besides these masters, there were in 1829 ten assistant masters, eight in the upper and two in the lower school. These two divisions are not, however, of equal size : thus, in the summer of last year, the former contained 556, the latter only 56 boys. The upper school is divided into four classes, or forms ; viz. the 6th and 5th forms, the remove, and the 4th form. Besides this division of *schools*, there is also a division of *orders*. Seventy King's scholars, or (as they are usually termed) *Collegers*, are maintained gratuitously on the foundation ; they sleep in three large rooms forming part of the college. The Collegers wear a dress to distinguish them from the other and more numerous portion of the boys, who are called *Oppidans*. These either live in Dame's houses, or in the houses of their Tutors, whom the parents or guardians are allowed to select at pleasure, and are not forced (as at Oxford and Cambridge) to take the person appointed by the head of the college. This difference of habitation naturally, in some measure, estranges these two orders, and unfortunately a considerable enmity prevails between them. King's College at Cambridge was founded in connexion with Eton, that it might receive as fellows the students on the foundation of the latter institution. As vacancies occur at King's College, those of the King's scholars at Eton who are first in the school, are nominated to the vacant fellowships. This choice is determined not by merit, but by seniority ; and as seniority is obtained by long residence at Eton, and as a long residence there is sometimes a great obstacle to the acquirement of knowledge,* the lot often misses the most deserving candidates. But the mischief does not end here ; for the undergraduates at King's College being supposed to arrive at Cambridge with uncommon attainments, are not required to pass the University examination, which, in all other cases, is a

* We believe that it is generally remarked at Eton, that the boys at the top of the forms are less well-instructed than those at the bottom.

necessary condition for taking a degree. And thus by an unlucky, and, we are bold to say, most undeserved compliment, the young Etonian fellows are deprived of all incentive to university distinction, and even relieved from the test of ordinary acquirements. Hence, as we believe, the amount of instruction communicated by lectures at King's College has been very small. Now it is from these fellows that the masters of Eton School are almost universally selected; and surely no system was ever contrived with such singular infelicity. Bred in the routine of Eton education, young men are sent to a college, inhabited solely by Etonians, where all, or nearly all, study is voluntary; and, after a few years, return to their old school to teach the things they were themselves taught, in the place and in the manner they had learnt them. If this *circulus vitiosus* is retained,—if no attempt is made to pour some fresh blood into the diseased frame of Eton, and renew its torpid life, we cannot hope that evils which arise chiefly from the ignorance, the want of enterprise, and the amiable prejudices of its governors, will be abolished by those who have learnt no learning, and formed no habits, but those of their own college.

Nothing, at first sight, appears more absurd than the ground of this exemption from the customary examinations at Cambridge. The principal studies of that university are, as is well known, the mathematics. Besides geometry, algebra, and arithmetic, for an ordinary degree, the chief books used in examination are, Paley's Moral Philosophy, his Evidences of Christianity, and Locke's Essay on the Understanding. Now, at Eton, no instruction is given in any branch of mathematical, physical, metaphysical, or moral science, nor in the evidences of Christianity. The only subjects which it is professed to teach, are the Greek and Latin languages; as much divinity as can be gained from construing the Greek Testament, and reading a portion of Tomline on the Thirty-nine Articles; and a little ancient and modern geography. In order to give our readers a notion of the extent of this education, we will describe the studies of a boy about the middle of the school, in a week in which there is no extraordinary holiday.

In a common week there is one whole holiday, on which no school-business is done, but every boy is required to go twice to chapel; one half holiday, on which there are two school-times and one chapel; and on Saturday there are three school-times and one chapel. On each of the three other days, there are four school-times, three of which last respectively for three-quarters of an hour; the other has no fixed length, but probably averages for each boy about a quarter of an hour. The school-times

would, therefore, amount to less than eleven hours in a week. The boys are, however, expected to come prepared into school; so that some time is occupied in previous study, and every boy hears the lesson construed at his tutor's house before he appears in school. A week's lessons in the fifth form would consist of about seventy lines of the *Iliad*, seventy lines of the *Æneid*, two or three pages of each of the compilations called the *Scriptores Græci* and *Romani*, thirty or forty lines from another compilation called the *Poeta Græci*, and twenty or thirty verses of one of the Evangelists or the Acts of the Apostles. All the poetry which is construed is learnt by heart; besides which, there is weekly repeated a lesson of the Eton Greek Grammar, and of a very excellent selection from the Elegiac poetry of Ovid and Tibullus. No other books than these are read by a boy in the fifth form; but he is required also to produce an exercise in Latin prose, generally on some trite moral subject, of at least twenty lines; twenty Latin verses, and five or six stanzas of some Lyric measure. In weeks where a saint's day occurs, an English translation of a passage of Latin prose is likewise required.

Such is a general outline of a week's occupation at Eton, which, as it certainly does not exceed on the side of *quantity*, might be expected to make up for this defect by its *quality*. In order to ascertain this point, we will shortly examine the chief books which are used for the purposes of instruction. The whole education of the school being, with the exception of a little divinity and geography, confined to classical literature, it might be expected that the grammars of the Greek and Latin languages, the necessary foundations of this knowledge, would be compiled with clearness and accuracy, and would contain, in a short compass, the most recent improvements of critics and philologists. So far, however, from this being the case, we affirm, without the least hesitation, that these two grammars, which are used not only at Eton, but, on account of the authority of Eton, at numberless other schools, are marked by almost every fault under which such treatises can labour. They contain much that is useless, and much that is inaccurate; they exclude much that is highly useful; they are written without a proper arrangement and harmony of parts: the rules are not precise, the examples are ill-chosen; and a large part of the Latin, and the whole of the Greek Grammar, is written in Latin. The simple rules for declining Latin adjectives, substantives, and verbs, did not admit of many mistakes or mysticism; but no sooner has a learner arrived at the 63d page of his grammar, than he finds sixteen pages of doggerel Latin verse, to facilitate the knowledge of the genders of nouns, and the past tenses and supines of

verbs. This attempt to teach a boy, who knows neither Latin nor verse, certain grammatical rules by means of Latin verse, seems to us so extraordinary a delusion, that we can conceive no reason why the directors of the Eton education should not at once purge their grammar of such barbarous jargon. There then follows a meagre collection of Latin rules of Latin grammar, called a syntax, and some rules of prosody, also in Latin. At the end of the volume is a literal English translation of this grammatical poetry and prose. The Greek grammar is in every respect much worse than its partner. Needless rules, and technical divisions, are multiplied without mercy. In the second page, the student, who has just learned the form of the letters, is told, that vowels are divided into long, short, doubtful, mutable, immutable, prepositive, and subjunctive, with the proper Greek term for each of these words. The desultory remarks which follow are all written in the same disheartening style; after which, the beginner soon falls upon the ten declensions, and thirteen conjugations, interspersed with numerous rules, which are made unnecessarily difficult, and contain the most glaring errors.*

We have not, however, sufficient space to criticise the merits of this Grammar (which, indeed, is beneath criticism), and will proceed to the selections from ancient authors. The book called *Poetæ Græci* contains short extracts from the Odyssey, and the three poems attributed to Hesiod; nearly twelve Idyls, with a few Epigrams of Theocritus; a considerable portion of the extant poems of Callimachus; extracts from the Argonautics of Apollonius, and from Bion and Moschus. There are also fragments of Tyrtaeus, Callinus, Sappho, Erinna, Mimnermus, Simonides, Theognis, Bacchylides, and Euripides, and the famous patriotic scolion of the Athenians. The extracts from the poets are not arranged in chronological order; the biographical notices are short and unsatisfactory; the text is not given from the best editions; and the notes are ill-adapted to the uses either of beginners or proficients. It is of great importance that the text of school-books should be as correct and plain as possible, lest the learner's attention should be distracted from the sense by disputes about various readings; and that

* We are aware that it is not an easy thing to draw up a Greek Grammar; but the maintenance of the antiquated and inaccurate Grammar of Eton is perfectly inexcusable, as the small Greek Grammar for the use of schools, published by the present Bishop of London, is in every respect an excellent work, and leaves little to be desired for such a treatise.

the notes should, for the most part, be explanatory. In this respect the Eton *Poetæ Græci* is very deficient; a want which is attempted to be supplied by that miserable substitute for a good commentary, a prose Latin translation.

The *Scriptores Græci* contains short unconnected extracts from Herodotus and Thucydides, filling forty-four pages;* some passages from the *Cyropædia* and *Memorabilia* of Xenophon, such as the story of Panthea, the death of Cyrus, the choice of Hercules, &c.; the death of Socrates, from the *Phædo* of Plato; and a part of the *Advice to Demonicus* of Isocrates. The remaining two-thirds of the volume are filled with Dialogues of Lucian. The last edition of this book was revised by Mr J. W. Niblock, A. B. of Edmund Hall, Oxford, who has added a considerable number of notes, but does not appear to have extended his care to the text, which is printed from old inaccurate editions.† There is no account of the lives or writings of the different authors, beyond some short notices, of which the first and last may serve as specimens.

‘1. Herodotus Halicarnassensis, historicorum Græcorum qui extant antiquissimus, floruit Olymp. 84, ante Chr. ann. 440.’

‘6. Lucianus, oriundus Samosata, urbe Syriæ, sub Marco Antonino floruit, ann. Dom. 164. Scriptor variis in argumentis elegantissimus et festivissimus.’

As the new notes of Mr Niblock appear to be the only attempt which has of late years been made to improve the Eton school-books, we looked at them with much curiosity and expectation. We are sorry, however, to say, that our hopes were completely disappointed. The new editor’s additions are almost entirely confined to Lucian; and we are compelled to say, that his observations are generally trite, often useless, and sometimes inaccurate. Does the editor think that he can supply the deficiencies of the Eton Greek Grammar,‡ by such remarks as the following?

‘*ἰς ἄδου.*] Hic *ἰς*, non *ἄδου*, sed *ἐκ* subauditum regit. N.’ P. 121.

* The following is a list of the passages selected from Herodotus and Thucydides. Herod. i. 34—45; i. 106—113; vii. 10—12; vii. 44—53. Thucyd. i. 5—8; ii. 47—54; vii. 75—87; viii. 1. Our readers, by verifying these references, may judge how accurate and complete must be an Etonian’s knowledge of the history of Greece, from the reign of Cyrus to the failure of the Athenian expedition against Syracuse.

† In the short advertisement prefixed to this edition, Mr Niblock states, that his notes are distinguished from the letter N. ‘Notulas ab litera N. distinctas.’ We recommend an alteration in the next edition.

‡ We fear that Mr Niblock has not always availed himself of the valuable assistance to be derived from that Grammar; for it is certainly

‘ Ut ei περὶ Πλάτωνα sunt Platonici, sic ei περὶ Σικελίαν τύραννοι sunt Sicili tyranni. N.’ P. 246.

Among the extracts from Thucydides, is the famous passage on the distress of the Athenian army in Sicily. Here, however, no note is added to inform the learner about Nicias, or Demosthenes, or Gylippus, or how the Athenians happened to be in Sicily, —names and facts no doubt sufficiently familiar, but not to an Eton boy, who must be utterly ignorant of history, ancient as well as modern. We presume, therefore, that this omission is, when these extracts are read, supplied by oral instruction. In Lucian, however, it seems that this resource could not be relied on; for we find such notes as the following:—

‘ Geloi erant Siciliae populus. Vid. Diod. Sic. lib. xiii.’ P. 120.*

‘ Corinthus urbs Achaiae fere medio Isthmi Peloponnesiaci sita.’ P. 109.

‘ Ὁ Τάνταλος.] Horat. Epod. 18.

‘ Egens benigna Tantalus semper dapis. N.’ P. 212.

Some notes, however, are not of this innocent nature, but are absolutely wrong.

‘ ἰστάμεν.] Passivum pro neutro, significatque “concessi,” vel “veni.” N.’ P. 236.

‘ ἐν χερσὶν φιδάλας.] ἐν hic valet ἐν sic etiam Athenæus, xi. c. 10. πίπρουν ἐν πιθήκαις. N.’ P. 267.

‘ Δέξαντες.] Participium in sensu passivo accipe. N.’ P. 298.

‘ τὰ πολλὰ.] Integre κατὰ τὰ πολλὰ ῥήματα.’ P. 111.†

We do not wish to speak harshly of this gentleman, for writing some bad notes to a bad school-book; but we must consider it a culpable negligence in those who superintend the school of Eton,

there stated (p. 148,) that the preposition *ἐν* governs a genitive by eclipsis, and this very instance of *ἐν ἔδου* is given. Besides which it is once remarked, (p. 147,) that *ἐν* governs a genitive by eclipsis, with the instance *ἐν ἔδου*, and that proper names are often put in the genitive case by eclipsis, with the instance again of *ἐν ἔδου*. (P. 130.)

* It is quite useless in books for the use of schoolboys, to give such general references to voluminous authors as ‘ vid. Herod. Clio,’ (p. 106,) ‘ vid. Nat. Com. lib. viii.’ (p. 112,) ‘ vid. Pausan. in Boeoticis et Strab., lib. ix.,’ (p. 114,) ‘ vid. Plat. de Rep. lib. vi.,’ (p. 249,) &c. &c. In the first place, boys have not, in general, access to such books; and secondly, if they had, they would seldom be able to find the passages alluded to.

† How does the editor of the *Eton Scriptorum Graeci* explain this phrase, in the following sentence? καὶ γὰρ δὴ ἐν μὲν ταῖς ἄλλαις πόλεσιν ὅς τὸ παλὸν εἰ ἦλθες ἀλλήλους εἰσπύουσι, μὲν ὅτι καὶ ἐλαχίστη αἰδὼς παραγίνεται. ὁ δὲ Λακωνικός ἐν τῇ Σπάρτῃ ἀνήμερος παιδίδυται τὰ πολλὰ τοὺς πατέρους ὑπὸ τῇ τῶν γενομένων ἱερωσίᾳ. Xenoph. de Rep. Lac. 5. 5.

that while so many of their own number, and of their kindred College at Cambridge, are qualified to add explanatory notes to such a miscellany as that in question, they should have gone for assistance to a small and obscure, though doubtless highly respectable, College at Oxford. That there are among the Eton masters, persons capable of better things, and that their time is not wholly occupied by their official duties, is proved by the excellent Atlas of the ancient and modern world, prepared for the use of that school, of which the title is prefixed to this article.

We object, however, not so much to the execution, as the principle, of this collection of Greek authors. The Greek language, it must be remembered, is not like the Latin, of which the principal writers flourished within a short period, used not different dialects, and addressed the public of one city. Homer is divided from Lucian by an interval of at least a thousand years; and though the radical words remained the same, the inflexions, idioms, and turns of the language, were completely altered. The same is true even of writers who lived nearly at the same time, but who wrote in different dialects. Pindar is as different from Euripides or Aristophanes, as Herodotus is from Thucydides. It is, therefore, exceedingly desirable, that a learner having once accustomed himself to the style of an author, should take advantage of that habit, to facilitate and shorten the study of the remainder. Instead of this, the Etonian is hurried from Herodotus to Thucydides, from Thucydides to Xenophon, from Xenophon to Lucian, without being habituated to the style of any one author,—without gaining an interest in the history, or even catching the thread of the narrative; and when the whole book is finished, he has probably collected only a few vague ideas about Darius crying over a great army at Abydos, and Nicias and Demosthenes being routed with a great army near Syracuse, mixed up with a recollection of the deaths of Cyrus and Socrates, some moral precepts of Isocrates, and some jokes against false philosophers and heathen gods. Even for the mere acquisition of the Greek language, the plan of reading a few good authors, rather than extracts from many authors, is far preferable; but the chief fault which we find with this desultory mode of study is, its total incompetency to furnish historical knowledge. If there are at Eton ten boys who have heard of the Persian or Peloponnesian wars,—if there are two who could give a tolerably correct account of any of the chief events of ancient history,—their information has been derived out of school, by unassisted and voluntary researches. In this manner, the most valuable remains of ancient literature are neglected,—a frivolous habit of mind is generated,—the attention is distracted from the really important

lessons of history and philosophy, to grammatical and metrical trifling,—and the most precious years of youth are spent, not in filling the mind with solid knowledge,—not in training it to habits of correct and patient thought,—but in a course of half-studious idleness, of which the only lasting trace is the bitter recollection of mispent time. It is possible that the Eton *Scriptores Romani*, which, besides some passages of Cicero, Tacitus, &c., contains numerous well-chosen extracts from Livy, may present that writer, who is remarkable chiefly, if not solely, for his eloquence, in his proper character. But when a writer, equally distinguished for the vigour and depth of his views, the force of his style, and the accuracy of his statements, is cut into shreds and patches, we must exclaim against such a mutilation; and can only wonder at the obliquity of judgment, which prefers Lucian to Thucydides, as a study for young men.

It would not, however, be sufficient at Eton, merely to substitute one book for another. It would be necessary to add some examinations or repetition, at the end of the term, so as to ensure that the history should not only be read, but its details preserved connectedly in the memory. According to the present system, each lesson, when once construed, is immediately discharged from the mind; and in the middle of a book, if a boy, from illness or absence, misses any portion, he is never required to make good his lost way. The consequence of this desultory mode of reading desultory books, is, that when an Etonian goes either to Cambridge or Oxford, and is questioned as to the extent of his studies, he can only answer, that besides Horace, and part of Virgil and the Iliad, he has read nothing. He has not read a single book of Herodotus, or Thucydides, or Xenophon, or Livy, or Polybius, or Tacitus; he has not read a single Greek tragedy or comedy,* he is utterly ignorant of mathematical or physical science, and even of arithmetic;—the very names of logical, moral, or political science, are unknown to him. Modern history and modern languages are, of course, out of the question. Is it creditable to the largest and most celebrated public school of England, that such should be the result of five or six years' residence, at an age when childhood is past, and the mind is capable of developing its powers? To many unthinking people, who are satisfied that their sons should do as their parents did before them, it is a convincing argument to name two or three persons, who, although

* It sometimes happens, that a small part of the school (about thirty of the first boys) construe a Greek play.

educated at Eton, were yet distinguished for their knowledge and learning, and have stood in high places in these kingdoms, with glory to themselves, and benefit to others. That an Eton education does necessarily act as an opiate on the mind, or freeze 'the genial current of the soul,' we do not maintain. Our assertion is, that a boy of average abilities and application, learning at Eton only what is taught in school, is at the end of his career advanced no farther than we have described. To compensate for these deficiencies, he has perhaps acquired a tolerable facility in the composition of Latin verses, and sometimes of Latin prose; but the triteness of the subjects proposed for the Latin themes, and the inattention to the mode of treating them, are such, that these exercises, which might serve as a useful and severe discipline to the mind, tend rather to foster a habit of vague, pointless, and vapid declamation. The praise of considerable skill and perfection in the art of making Latin verses, must be allowed to some Etonians, as the four volumes of the *Musæ Etonenses* sufficiently bear witness. Whether that excellence is now lost, and the verses of late years will not bear the light, we have no means of ascertaining. Certain, however, it is, that more than thirty years have elapsed since the last collection of these short poems was given to the world.

Viewed, therefore, as a means of imparting valuable knowledge, of imparting much knowledge, or of training and invigorating the intellectual faculties, the Eton system of education must be admitted to fail in every essential point. What, then, is the charm which allures so many scholars within its bounds? What are its recommendations in the eyes of so many parents and guardians? Is the moral discipline of this school so admirable,—is the superintendence of the masters over the elder boys, is their protection of the smaller boys so watchful, that parents can resolve to sacrifice the benefits of intellectual training to that more solid advantage, the formation of a virtuous and honourable character? It is with an unwilling hand that in this respect also, we must note the Eton system as deficient. The number of scholars is so great,* the tutors' time is necessarily so much occupied, both with the revision of school exercises and other school business, and so much liberty is very properly given to the boys, that a considerable laxity of conduct may exist in the youths of older standing, without being either restrained or detected; and the smaller and weaker boys are exposed, without hope of redress, to the merciless

* At election, 1829, the whole number was 612.

tyranny of their superiors in age and strength. The league of the upper boys is so firmly united, and the principle of mutual assistance in oppression so faithfully and successfully maintained, that any boy who dared to complain to a tutor of ill usage from one of his school-fellows, would become the object of such universal insult and contempt, that few would be tempted to follow his example. Hence, by a tacit agreement between the stronger and weaker parties, has been established at Eton the system of *fagging*,—the only regular institution of slave-labour, enforced by brute violence, which now exists in these islands. It is not precisely permitted by the authorities of the school; but their sufferance of a system of which they must be aware, at any rate affords a presumption that it has their countenance. The right of fagging depends upon the place in the school; all boys in the sixth and fifth forms have the power of *ordering*—all below the latter form are bound to *obey*. At midsummer 1829 there were 293 of the former, and 319 of the latter.* It should, however, be observed, that although the *right* of fagging depends upon rank in the school, the *power* is derived from superior strength, the sanction or means of compulsion being only violence. Hence there are many upper boys who, being weak, are unable to make much use of their right; and many lower boys who, being strong, are enabled to avoid part of the hardships of their obligation. In general, however, the masters, in order to preserve their monopoly, and to prevent any of the privileged from appearing mean in the eyes of the unprivileged class, contrive to apportion the strong to the strong, and the weak to the weak, so that as little of the available services as possible may be wasted. The duties of the lower boys cannot be defined, as their masters are restrain-

* The following table will show the comparative numbers of the upper and lower boys in several different years :

	Upper Boys.	Lower Boys.
1798	236	168
1799	224	153
1814	286	264
1817	228	249
1820	280	248
1829	293	319

The ratio of the upper to the lower boys in these years, is, therefore, nearly represented by the following fractions: $\frac{27}{13}$, $\frac{22}{13}$, $\frac{14}{13}$, $\frac{23}{23}$, $\frac{28}{23}$, $\frac{22}{23}$. Whence it appears, that the lot of the fags has of late been improved; for, 30 years ago, there were 22 masters to 15 fags;—last year there were about 32 fags to 29 masters.

ed by nothing but their own forbearance and sense of honour, and the necessity of allowing their *fags* to prepare their lesson and appear in school. Generally, however, it may be stated, that they perform most menial offices, except cleaning shoes, cooking, and waiting at dinner. They brush clothes, prepare breakfast and tea, fetch and carry, stop balls at cricket, go on messages, and, in short, perform the innumerable services which boys, armed with all the wantonness of irresponsible power, can imagine or desire. If, in these functions, any delay takes place, or any mistake is committed, the unhappy boy is liable to be beaten, at the will of his master, by his master, and at the moment of passion, either with the fists, or any other instrument. We only wish that these inflictions never proceeded from wanton cruelty,—from that extraordinary pleasure of inflicting physical pain, which seems to reign in the breasts of many boys and children. It is, perhaps, difficult to determine how much influence this unhappy system may have upon the character of young men. Whether tyranny or slavery is the more pernicious to the mind, is indifferent, when, in most cases, both these sources of vice have operated on the same individual. A boy begins as a slave, and ends as a despot. Corrupting at once and corrupted, the little tyrant riots in the exercise of boundless and unaccountable power; and while he looks back on his former servitude, is resolved that the sufferings which he inflicts shall not be less than those which he endured; a change which, setting apart all motives of revenge, would seem to be the diminution of a lawful prerogative, and the abasement of his own order. In this manner, some of the worst passions of the human breast are fostered and encouraged; while the objects of this tyranny are at least deprived of their amusements and freedom,—are driven to accomplish by deceit what should be done of right, and, if weakly and tender, are broken in spirit, and bent to the ground by this relentless and imperious domination.

We have intentionally put in a strong light what appears to us to be the necessary and undeniable *tendency* of this system of forced labour; though we do not mean to say, that its influence is not mitigated by circumstances,—such as the friendship of equals, the kindness and sense of honour in some strong boys, the intervention of holidays, &c. We repeat, however, that its tendency is such as we have described; and that in proportion as this noxious system is enforced, the corruption of both masters and slaves increases. The only excuse which we can imagine for it is, the impossibility of entirely preventing boys from exercising the power which strength gives them, and that it is better to legalize an abuse which cannot be suppressed, so that it may at

least be subject to some fixed rules and restraints. But till some attempt is made to put a stop to this evil at Eton, (as has been done at other public schools,) and the attempt is found to fail, we cannot allow this defence to be more than the excuse of a slothful and culpably negligent administration.

If, however, the experiment should be made under the present police and regulations of Eton, it would not have a fair trial. It is a rule in the management of this school that no testimony against any boy, except that of an assistant master, is admissible. Hence, although the head master may be in possession of evidence which would hang a man in any criminal court, he is unable to act, and his information goes for nothing. In this manner the difficulty of detection becomes very great; for, besides that the number of the tutors is small, and their time fully occupied, their persons are well known to the inhabitants of Eton and its neighbourhood, who naturally take part with the boys, and give them warning of the danger. We are hostile to the practice of *espionage*, both in states and schools; but we can see no reason why the director of a school should hesitate to profit by information on which he can rely, or suffer irregularities to continue, of the existence of which he is thoroughly assured.

The institution of an efficient system of *rewards* and *punishments* must have great influence in a school, as on all other collections of human beings. Nevertheless, both seem to have escaped the notice of the executive body of Eton. The incentive to industry, afforded by emulation and competition, does not exist; no places are taken, no prizes or distinctions of any sort conferred, except for Latin verses. Of late, indeed, by the munificence of the present Duke of Newcastle, a scholarship has been founded, which promises to go some way in supplying this deficiency, and must therefore have been hailed, by the masters of the school, as a most desirable institution. Still its operation cannot extend to the mass of the boys; and as long as promotion depends on seniority, not on merit, we despair of finding any motive which will be generally operative. The system of punishments is equally defective. For all offences, except the most trivial, whether for insubordination in or out of school, for inability to construe a lesson, or to say it by heart, for being discovered out of bounds, for absence from chapel or school,—in short, for any breach of the regulations of the school,—every boy, below the 6th form, whatever be his age, is punished by *flogging*. This operation is performed, on the naked back, by the head master himself, who is always a gentleman of great abilities and acquirements, and sometimes of high dignity in the church. If the duties of an office should ever be executed by deputy, the

work of flogging ought surely, in a public school, as in the army and navy, to be taken out of the hands of the head officer. We are, however, convinced that nothing but habit, which deadens the minds of honourable men to the impropriety and indecorum of such an exhibition, could have concealed from them the inexpediency of the mode of punishment itself. It is an essential requisite of every good punishment, that the pain of it should increase, as the number of inflictions increase, or, to speak learnedly, that its intensity should vary directly as its quantity. Thus it is a disagreeable thing to be imprisoned in a solitary dungeon for one day; but is more than twice as disagreeable to be so imprisoned for two days; for a week, painful in the extreme; for a year, it would drive most people to distraction. Solitary confinement is, therefore, a good punishment. But with flogging, the case is just reversed. This punishment is not inflicted at Eton so severely as to cause lasting pain, or to disable the body. Beyond the momentary smart, which few boys are sufficiently tender to fear, its efficacy is alone derived from the disgrace and ridicule which attend it. Now, for the first time, a boy feels considerable shame, and so for the second and third, if the intervals are tolerably wide. But if the floggings follow close on one another, he is soon callous to the feeling of shame; and on each successive infliction, the sharpness of the punishment becomes less, till the fear of it ceases to operate on his mind. In those cases, therefore, of resolute irregularity, where an efficacious punishment is most to be desired, this penalty of flogging utterly fails; while, on the other hand, it sometimes falls with unnecessary hardship upon a youth of seventeen or eighteen years of age, who is accidentally caught tripping, and by whom the disgrace is severely felt. We hope that the impolicy and unfairness of this unseemly punishment may before long occasion its abolition, at least for a considerable part of the school.

Before we dismiss the subject of the moral discipline of Eton, we will briefly advert to the subject of religious instruction. This, as we remarked above, is confined to reading once in the week a portion of the Greek Testament, and a chapter of Bishop Tomline's book on the Thirty-nine Articles. There is, however, no examination at certain intervals, so as to ensure that these separate lessons are taken together, and understood in connexion; nor is there read any work on the Evidences of Christianity. The very objectionable practice of converting chapel into a roll-call is likewise kept up, in spite of arguments, to the number and strength of which we could add nothing; and a portion of time, which might be devoted to valuable instruction, is

wasted, we will not say in the pretence of devotion, for pretence of the kind there is none.

There are several other points which we might mention, such as the absurd pageant of *Montem*, the worse than absurd custom of spouting Latin and Greek speeches, the maintenance of which, and of the custom of acting Terence's plays at Westminster school, is a proof how hurtful practices are sometimes perseveringly kept up, without attempt at defence, or symptom of shame, in the face of the most conclusive objections.* But we have already entered too much into details not interesting to all our readers.

In some of the above statements it is possible that we may have fallen into slight inaccuracies; but we believe that our information is substantially correct; and we are quite unconscious of having coloured or heightened any charge, or having used any unfair art of accusation. We are equally unconscious of harbouring any ill-will against the College of Eton itself, or any individual connected with it; and, above all, we disclaim any personal allusion. Our object has been, as far as our means of information extend, to lay before our readers an account of the advantages to be expected from the costly education to be obtained at this seminary. If our estimate of these benefits is not so high as that generally made, it is not founded either on a hasty view of the question, or on a wish to detract from the fame of Eton. Our wish is, that it may flourish; our conviction, that, under its present system, it cannot and ought not to flourish. Can any parent, who is anxious for the welfare of his children, read and believe the account which we have given, and say that the education of Eton is the best which these islands afford? Is he willing that his son should abandon all knowledge but that of the Greek and Latin languages? That when young and weak, he should be exposed to the unchecked tyranny of older boys; when grown stronger, that his evil passions should not only not be repressed, but heightened and inflamed by a regulation connived at, if not approved, by the governors of the school? That after a long and expensive residence, his son should be returned to his hands avowedly ignorant, so far as the school instruction is concerned, of modern languages, literature, and history,—and probably not possessing sufficient knowledge even of the ancient languages to enable him to construe a page in any Latin or Greek author with ease and correctness? *Defendit numerus*, is the answer which, we fear,

* See Whatley's Elements of Rhetoric, pp. 337 and 341

many parents make to such enquiries ; and it must be confessed that the argument has some weight, as the merits of a school may be supposed to be great when it has gained the votes of so large a number, and so many persons are encouraged by their own experience to send their sons to enjoy the same education. It is no part of our present object to account for the popularity of Eton ; but we may say with the poet,

‘Cereat successibus opto,
Quisquis ab eventu facta notanda putat.’

The activity and industry of the assistant masters, who, by instructions given out of school, in books not read in school, help to lessen the bad effects of the school system,—the delightful situation of Eton,—the facility afforded for athletic sports by the large fields belonging to the College, and by the neighbourhood of the river,—the general happiness enjoyed by the older boys,—the opportunity for selecting friends, afforded by numbers, are among the chief causes which endear this place in the recollection of most of its sons. Whether it is a choice of evils, and Eton is the least—what are the systems of the other public schools, and whether these systems are better or worse ? are questions, into which we shall not now enter. In the meantime we may ask the governors of Eton whether things are not as we have said ? If it can be shown that they are not, we shall be gladly undeceived ; but if they are, is it fit that they should remain so ?

We, on this side the Tweed, may well be allowed to feel some surprise that such defects and vices as are above detailed, should be permitted and upheld in a great and favourite seminary near the heart of the empire, at the very time when the Government has thought itself called upon to institute a Commission of Inquiry and Reform for the more remote, and, we will venture to say, the far more pure and perfect Universities of Scotland. Of this Commission we may perhaps hereafter have a fitter occasion to speak. Meanwhile, we confess, that we should like mightily to know how the governors of Eton, or the heads of the Colleges of Oxford and Cambridge, would relish the appointment of a Commission, composed of the sages of Westminster Hall, for the purpose of amending their academical government and discipline, and instructing them in the proper course and practice of tuition in literature and science. The facility with which certain Scottish institutions are given up to experiment, while the kindred ones of England are steadily shielded from change, suggests matter for a curious chapter in the history of innovations.

ART. IV.—*Memoirs of the Astronomical Society of London.*
3 vols. 4to. London, 1822—1829.

WERE the progress of science always to be arrested at that point where it ceases to be of any practical utility to mankind, astronomy might now be considered as standing in need of little farther cultivation. The advantages which society derives from the labours of the astronomer, are confined to navigation, geography, and the regulation of the calendar. All other motives which induce us to study the laws of the celestial motions, and observe the various phenomena of the heavens, are of a purely speculative kind, and have their origin in that ardent and inquisitive curiosity to become acquainted with the cause and the laws of all physical occurrences, which forms one of the most active principles in the composition of human nature. But though the useful applications of astronomy are limited to the objects just enumerated, these objects are of so important a nature, and exact withal so extensive and accurate a knowledge of the celestial motions, that to a country whose prosperity, almost existence, depends on navigation and commerce, the cultivation of the science becomes a matter of political necessity. Its history, indeed, sufficiently proves that it has been more generally cultivated on account of its speculative interest, than for the sake of its practical applications; yet, in treating of its recent progress or future prospects, it may be well to keep those applications in view, as, by doing so, we shall be better enabled to form a just estimate of the real value of the exertions that are at present emulously made to give greater refinement to its theories, or to add to the immense mass of facts already accumulated by the labours of twenty centuries.

Though the magnificent spectacle of the heavens has attracted the admiration of mankind in all ages, and the motions and nature of the celestial bodies been one of the earliest and most constant objects of study, yet Astronomy, as a science, can only be said to have existed in its present form since the days of Kepler, to whose penetrating genius and most laborious industry, we are indebted not only for the discovery of the true nature of the planetary orbits and the laws of motion, but also for most of the methods of computation which are employed at the present day. Since that time, its advancement has been rapid and uninterrupted. The telescope enlarged to an immeasurable extent the boundaries of the visible universe, while the pendulum and micrometer—all discoveries of the same age—gave a precision to observations altogether unknown to the ancient astronomers,

and led to that accurate determination of the elements of the planetary system, which constitutes the triumph of modern science. Newton perceived that Kepler's elliptic orbits and laws of motion were deducible from the simple hypothesis of gravitation, directly as the mass, and inversely as the square of the distance; and on this principle laid the foundations of physical astronomy, which has been carried to its present vast height by means of the refined and powerful analysis, for which the world is also indebted to his genius. By the discovery of the aberration of light, and the nutation of the earth's axis, Bradley may be said to have completed the edifice, and to have left nothing for his successors to do, but to repeat his observations, and take account of those small secular irregularities, which are slowly developed by time, and can only be perfectly known after a long series of ages. By means of these discoveries, and the subsequent labours of geometers and observers, the tables of the sun, moon, principal planets, and the satellites of Jupiter, have been brought to that degree of perfection, that the places of these bodies can now be computed with almost the same certainty as those of the fixed stars.

This is a degree of perfection equal, perhaps superior, to the wants of navigation and geography; and, therefore, so far as utility is concerned, astronomy may now be regarded as a finished science,—or, at least, as requiring only to be compared, from time to time, with a moderate number of good observations, in order to keep up the accuracy already attained. But curiosity is far from resting satisfied with what suffices for the useful applications. Having determined the orbits and motions of the bodies belonging to our own planetary system, the astronomer next directs his attention to the sidereal heavens, where an unbounded field of interesting enquiry presents itself. Are *all* the brilliant points which glitter in the firmament, placed at distances so great, that the immense diameter of the earth's orbit, as seen from them, is only an indivisible point? Are they perfectly quiescent, or do they change their relative situations, and observe determinate laws of motion? Are they placed at random in the sphere, or does any mechanical principle regulate their distribution? Does the solar attraction, which governs alike the largest planets and their smallest atoms, extend its influence to them, or are they themselves centres of attraction,—bodies like our sun,—dispensing light and heat to revolving, though invisible, planets? These are questions, indeed, which have not the remotest bearing on the more vulgar interests of mankind: Yet, by reason of the sublime subjects of meditation which they afford, there are few more worthy of the attention of rational beings; and the as-

tronomer, armed with the profound science and delicate instruments of the present day, does not despair of their solution.

In the cultivation of a science so indispensable to navigation, a maritime country like Great Britain will naturally be expected to take a leading part; and, accordingly, some of the most valuable discoveries of which it boasts, are due to the persevering researches of our countrymen. Flamsteed and his successors in the Greenwich Observatory, have furnished an uninterrupted series of important observations, altogether unrivalled by any similar establishment in Europe, and which have contributed most essentially to the actual perfection of the astronomical tables. Such, indeed, is the extent and value of this collection, that it has been affirmed by authorities of the first order,—Baron Zach and Delambre,—that if, by any grand revolution in the moral or physical world, the whole monuments of existing science were swept away from the earth, leaving only the series of Greenwich observations, and some methods of computation, the entire edifice of modern astronomy might be re-constructed from these materials. Notwithstanding, however, the high position occupied by this country, in the history of astronomical discovery, it cannot be said that Practical Astronomy has received that support and encouragement from the Public Treasury, to which its great national importance seems justly to entitle it. The only observatory in the kingdom supported at the public expense, is that of Greenwich; and even with regard to it, the regular publication of the observations,—a thing most essential to the general interests of the science,—was procured at the solicitations of Dr Maskelyne, not from the government, but the private funds of the Royal Society. The other great observatories now established, as those at Oxford, Cambridge, Dublin, and Armagh, are the property of corporations, over which the public has no control, and their usefulness entirely depends on the irresponsible activity or zeal of the individuals to whose care they are committed. Fortunately, a taste for the practical departments of astronomy has long been very generally diffused throughout the country; and now that excellent instruments are become in a manner common, numerous private observatories have sprung up, in which observations are made, of sufficient precision to be employed even in the determination of the most important elements, or which serve, at all events, to increase our knowledge of the sidereal heavens. Such observations, however, have seldom been available to the theoretical astronomer, through want of the means of publication; and much valuable time has often been fruitlessly consumed on subjects already sufficiently investigated by other observers, mutually ignorant of the labours and

discoveries of one another. With a view to render these insulated labours more useful to science, as well as to promote the general advancement of astronomy, some spirited individuals in London, a few years ago, conceived the idea of establishing a common centre of communication, by forming themselves into a Society for its exclusive cultivation; and their views being favourably met by many willing to co-operate in a measure so well calculated to give a fresh stimulus to scientific research, the Astronomical Society of London was established in 1820. Since that time, it has gone on increasing in numerical strength; and the three splendid volumes of *Memoirs* announced at the head of this article, give ample evidence of the zeal with which many of its members have devoted themselves to the objects of their association. These objects cannot be better stated, than in the words of the original address promulgated by the Society. They are

- ‘to encourage and promote their peculiar science, by every means
- ‘in their power, but especially by collecting, reducing, and
- ‘publishing, useful observations and tables,—by setting on foot a
- ‘minute and systematic examination of the heavens,—by encour-
- ‘aging a general spirit of industry in practical astronomy,—by
- ‘establishing communications with foreign observers,—by circu-
- ‘lating notices of all remarkable phenomena about to happen,
- ‘and of discoveries as they arise,—by comparing the merits of
- ‘different artists, eminent in the construction of astronomical
- ‘instruments,—by proposing prizes for the improvement of par-
- ‘ticular departments, and bestowing medals or rewards for suc-
- ‘cessful research in all,—and, finally, by acting as far as possible
- ‘in concert with every institution, both in England and abroad,
- ‘whose objects have any thing in common with their own; but
- ‘avoiding all interference with the objects and interests of estab-
- ‘lished scientific bodies.’

There are two ways by which we may extend our knowledge of the heavens; namely, by determining the relative positions of the celestial bodies with greater accuracy,—and by bringing a greater number of objects within the range of vision, and seeing them with greater distinctness. Of these, the first depends on the precision of astronomical instruments, and the accuracy of their division,—a branch of art which has now arrived at so high a degree of excellence, that little room is left for anticipating much farther improvement. The second depends on the optical powers of the telescope, to the augmentation of which, we can hardly venture to assign any insurmountable limit.

Before the invention of the telescope and micrometer, the mensuration of angular distances in the heavens, was effected in so imperfect a manner, as to be totally inadequate to the detection

of those minute variations in the positions of stars, from which their proper motions, as well as the finer elements of the planetary theory, are deduced. In Ptolemy's Tables, the smallest quantities that occur are twelfths of a degree, or angles of 5', from which it may be presumed that the astrolabe was incapable of measuring smaller angles. Tycho could not reckon on the errors of his observations being less than a minute; and Hevelius, the most careful of all observers, and with the finest instruments ever constructed prior to the great innovations made by the inventions to which we have alluded, could scarcely answer for less quantities. Such, however, has been the progress of the art of graduation, that in respect of the large instruments employed in our fixed observatories, the accumulated errors of the instrument and the reading can hardly be supposed to exceed two seconds. It is gratifying to reflect, that this great instrumental precision has been mainly brought about by the skill and persevering efforts of British artists, who, since the days of Graham, have maintained an unrivalled superiority in the construction and division of large instruments. The sectors and mural circles of Ramsden were long the admiration of astronomers of all countries. Mr Troughton, who at present stands at the head of our British opticians, has carried the art of dividing still farther, and constructed instruments—fortunately, not few in number—with regard to which, we are at a loss whether to admire most the exquisite execution, or the ingenuity of the contrivances employed to give stability, and to counteract the various permanent causes of derangement. The splendid circles and transit instruments with which he has furnished the Cambridge and Royal Observatories, may be regarded as the triumph of the combined powers of genius and mechanical skill.

Such instruments as those now alluded to can only, by reason of their great size and weight, be employed in permanent observatories; but for many essential purposes, particularly in relation to geodesy, it is absolutely indispensable to have them of portable dimensions; and hence it becomes an object of great importance to reduce the instrument, without diminishing far the accuracy of its performance. For this purpose the repeating circle was invented, which, though little known in this country till of late years, has long been in very general use on the Continent, where it has been employed for the most delicate purposes of astronomy. The idea of this instrument is due to the celebrated Tobias Mayer; but it was Borda who first caused it to be constructed, and recommended it to the attention of observers. In the hands of Reichenbach, it has received several important modifications. Its principal advantages are, that the results which it gives, are little affected by errors of division or

eccentricity; hence it is in a great measure independent of great dexterity on the part of the artist; and the error of reading off is nearly annihilated, by being spread over the total number of observations. These advantages are not, however, procured without some sacrifice; and it is only by a great expense of time and considerable trouble that extreme precision can be obtained from an instrument, whose radius cannot safely exceed nine inches. The observations also require longer computations for their reduction than those made with fixed instruments; and hence, however excellent in principle, it is not well adapted to the ordinary business of the observatory; but it is employed with great advantage in some fundamental determinations, such as the altitude of the pole, the obliquity of the ecliptic, &c.

The repeating circle was invented to obviate the imperfections of division; in proportion, therefore, as the art of dividing becomes more perfect, the instrument will become less necessary, or be replaced by others, affording results of equal accuracy, at a less expense of time and labour. Mr Troughton, in a Memoir which stands at the head of the collection now before us, has described an Altitude and Azimuth circle, which he considers as better adapted to the general wants of the astronomer, and possessing over Borda's circle several very decided advantages. He also thinks it probable, that the latter will soon be entirely superseded. On a subject of this nature, it would be presumptuous to controvert the opinion of that incomparable artist and experienced observer; but whatever may be the ultimate fate of the repeating instrument, it will always remain, in the history of observation, a proud monument of the resources of which science can avail itself, in supplying the imperfections of art.

With regard to instruments, it has been remarked, that a degree of perfection has frequently been expected from them, which it is in vain to hope for from any work executed by human hands; and when their imperfections have been demonstrated, they have been often cast aside, perhaps without good reason, to make room for untried novelties, recommended by the appearance of greater precision in the divisions. The fact is, that even in their most perfect state, they can afford only approximations to truth, and, beyond a certain point, the degree of approximation is not easily estimated. Although they were to leave the hands of their makers absolutely perfect, they could not long preserve that character, being constantly exposed to various causes of derangement which cannot be guarded against, and of which the effects elude calculation. The variations of temperature, and even the action of gravity on the metals of which they are composed, have a constant tendency to destroy the accuracy of the circle, and occasion errors which it requires the utmost vigilance on

the part of the observer, to prevent from attaining such magnitudes as would sensibly vitiate his results. And even if these sources of uncertainty were removed, nature itself, in the variable state of the atmosphere as to its refractive powers, has interposed an obstacle which sets human skill and ingenuity at defiance. For all these reasons, the probability is extremely small that greater instrumental accuracy will ever be attained, or the art of observing carried to a much greater degree of precision.

The art of constructing optical instruments received a great impulse from the successful attempts of the late Sir William Herschel to increase the powers of the reflecting telescope. This instrument, as most of our readers must be aware, was first proposed by the celebrated James Gregory, in his *Optica Promota*, with a view to obviate the imperfections of the images formed by spherical lenses; and was afterwards recommended by Newton, who, not aware of the different ratio that subsists between the refractive and dispersive powers of different diaphanous substances, despaired of finding any means to avoid, in refracting telescopes, the colour produced by the unequal refrangibility of the rays of light. Sir W. Herschel succeeded in casting and polishing metallic specula, far surpassing in magnitude any thing of the kind that had before been attempted, and was, in consequence, enabled to construct telescopes of unrivalled powers, which yielded him a rich harvest of discovery. An ingenious amateur (Mr Ramage, of Aberdeen) has recently constructed telescopes on this principle, equally magnificent, and perhaps superior in some respects to those of Herschel. One of these telescopes, mentioned in a descriptive account which he has given of them in the second volume of the *Memoirs*, has a mirror, whose diameter is 21 inches, and focal length 54 feet. The speculum of Herschel's great telescope was, indeed, 48 inches in diameter, but the instrument was found to be by far too unwieldy to be of any practical use.

The great magnifying power which the reflecting telescope carries, renders it a most valuable instrument in exploring the heavens, but in practice it is attended by several grave inconveniences; and, in particular, the difficulty and expense of its construction, together with the trouble required in managing its cumbersome machinery, have hitherto prevented it from being commonly adopted in the observatory. It is found difficult to preserve the speculum, for any length of time, from being tarnished by oxidation; and its weight peculiarly exposes it to injury from a change of figure. But the greatest objection to it is, that it has not yet been found practicable to adapt it to transit instruments or azimuth circles; so that its use is confined to the

observation of phenomena of simple apparition, with regard to which the measurement of angles is unnecessary. For all these reasons the attention of astronomers has been anxiously directed to the means of augmenting the optical power of the achromatic refracting telescope, an instrument much more commodious, and adapted to every sort of observation. In the discovery of the different relations existing between the refractive and dispersive powers of different kinds of glass, Dolland removed the obstacle which Newton had judged insurmountable; and succeeded in fabricating object-glasses of a degree of excellence to rival which the Continental artists found all their efforts in vain, though guided by the profound theory of Clairaut and d'Alembert. But, however excellent in other respects, the object-glasses of Dolland were still of very limited dimensions, and all attempts to manufacture them on a larger scale failed, through the difficulty of procuring discs of flint-glass of the requisite size, sufficiently free from impurities. This difficulty was eventually overcome by Fraunhofer, an artist whose talents had raised him from the situation of a simple labourer in the manufactory of optical glasses at Munich, to that of superintendent of the establishment. After a long series of admirably conducted experiments, Fraunhofer at length discovered the secret (which, however, he seems never to have divulged) of the composition of flint-glass, of perfect homogeneity, and of any required dimensions. Formerly, the fabrication of achromatic object-glasses exceeding seven inches in diameter, was considered as impracticable. The magnificent telescope constructed by Fraunhofer, which was purchased by the Russian government for the observatory at Dorpat, has an objective of nine inches in diameter. Fraunhofer executed another of twelve inches, and even considered an objective of eighteen inches in diameter as not beyond the reach of his art. Other Continental artists have succeeded in manufacturing flint-glass of considerable size, and of the desired purity, but good specimens are still exceedingly rare, and consequently the prices demanded for them exorbitant; so much so, indeed, that Mr South, the present President of the Astronomical Society, thought himself fortunate in procuring lately, in Paris, an achromatic object-glass of eleven inches and seven-tenths clear aperture, at an expense, it is understood, of L.1000.*

* The flint-glass employed in the construction of this objective, was manufactured by the late Guinand le Père; and the grinding and polishing was executed by M. Cauchoix of Paris. Its focal length is 19 feet. Mr Troughton has undertaken to form with it an equatorial instrument; when completed, it will doubtless be the most magnificent in Europe.

dounds little to the credit of this country to have lost the superiority she once possessed in the manufacture of an article, not only important in reference to astronomical purposes, but even of some consequence in a commercial point of view; and the cause has been usually ascribed to the operation of certain fiscal regulations, which prevent experiments, and compel the manufacturer to follow a blind routine. The directors of the Treasury, indeed, a few years ago, yielded so far to the solicitations and complaints of those interested in the progress of science, as to allow a committee of Fellows of the Royal Society to institute experiments on the subject, without being exposed to the intrusion of the tax-gatherer. Unfortunately, however, discoveries do not always arise when it is desirable they should; and although the researches of the Royal Society's committee have not been altogether unsuccessful, the object sought after has not yet been completely attained. In the meantime, therefore, our astronomers must procure their object-glasses wherever they can be found, even at the heavy prices demanded by those whom chance or skill has put in possession of the materials of their fabrication.

Such are the means possessed by the astronomer of the present day for exploring the heavens. Let us now look at the results which have been obtained, and enquire whether the recent progress of the science itself has kept pace with that of the assistant arts.

Astronomy, as we have already mentioned, underwent its last great revolution in the hands of Bradley. Before the discovery of the aberration of light, and the nutation of the earth's axis, the observed places of the celestial bodies were affected by unaccountable anomalies, which rendered it impossible, by a comparison of different observations, to arrive at the exact values of the co-efficients of the astronomical tables. The rate of precession could not be accurately ascertained, nor the proper motions of the stars perceived at all, while general motions, of greater magnitude, and of which the laws were entirely unknown, affected the whole firmament. Picard, for instance, who introduced the micrometer, and who consequently was the first that observed with a degree of accuracy at all approaching to modern precision, found anomalous variations in the zenith distances of Polaris amounting to forty seconds, which Bradley happily demonstrated to be occasioned by the progressive motion of light, combined with that of the earth in its orbit. The declinations likewise varied, through the effects of nutation, to the amount of sixteen or eighteen seconds. The observer, having thus no fixed terms of comparison, could never be very cer-

tain of the amount of his instrumental errors; and having no adequate means of reducing his observations, or of making allowance for any other general motion than that of the precession, the catalogues necessarily presented little agreement with one another. So little reliance, indeed, can be placed on observations made prior to the discoveries of Bradley, that for all delicate purposes, astronomers generally agree in rejecting them altogether,—the disadvantage of comparing those removed from each other by shorter intervals of time, being supposed to be more than compensated by their greater probable accuracy. Bradley's theories rendered great precision of observation indispensable; and this being accompanied by corresponding improvements in the physical theory and methods of computation, the result has been the construction of tables, which, for all practical purposes, leave nothing to be desired. Indeed, as has been remarked by Delambre, all that observation can do for the tables, for a long time to come, is to give us greater assurance that their errors do not exceed the limits within which we suppose them to fall. The absolute degree of confidence they are entitled to, can only become known after a long lapse of time, when the periodic inequalities shall have run through all their changes, and the errors showed themselves in all their possible combinations.

Since the days of Hipparchus, the determination of the relative positions and mutual distances of the stars, in order to detect such changes as may take place in the state of the heavens, has always been regarded as one of the principal objects of the practical astronomer. It is only, however, of late years, that the catalogues have acquired any great extent or precision. The unexpected discovery of four small planets, about the beginning of the present century, gave a new stimulus to the examination of the sidereal heavens, by rendering it probable that other bodies of the same nature might still be found concealed among the countless groups of telescopic stars situated in the region of the ecliptic. As this interesting point could only be determined by a minute examination of the Zodiac, astronomers have diligently explored that region of the heavens, and carefully noted the configuration of every group of stars it contains, so that any new planet or comet must now be recognised as a stranger almost on its first appearance. They have even aspired to register *all* the stars, visible in good telescopes, within certain limits of declination; and, bold as the project is, there is some reason to hope that it will ere long be realized. The numerous observatories at present established throughout Europe, and in other parts of the world, render undertakings comparatively easy, which, even within a half-century, would have been regarded as the dreams

of visionary enthusiasts. German industry has here, as in many other walks of science, been particularly distinguished. M. Bessel of Königsberg, one of the ablest and most indefatigable practical astronomers of the present day, observed, in the short space of three years, between thirty and forty thousand stars, comprehended within a zone extending to 15° on each side of the equator; and is at present engaged in extending his observations to the 45th parallel of northern declination. But even this immense number of stars forms but a small portion of the whole included within the limits of the zone first examined by M. Bessel; and the Academy of Berlin, with a view to procure a still more complete survey, recently proposed that the same zone should be parcelled out among twenty-four observers, each to confine himself to an hour of right ascension, and examine it in minute detail. This proposal was embraced with all the alacrity which an undertaking so useful to science was naturally calculated to inspire, and a considerable portion has already been executed, in a manner most creditable to those who have sacrificed their time to its accomplishment. The 18th hour, for example, which, being the most difficult of the whole, on account of its being traversed by a portion of the milky-way, was confided to an astronomer of known zeal and industry, Professor Inghirami of Florence, has been examined with so much care, that the positions of no fewer than 75 thousand stars have been determined in it, of which 15,000 are new; that is to say, not contained in any of the former catalogues. Should the rest of this grand enterprise be executed with corresponding diligence, it will form, when completed, the most splendid monument of astronomical labour ever undertaken, to make future ages better acquainted with the changes slowly taking place in the remotest regions of the universe.

Among the curious phenomena detected by a careful examination of the heavens, the most deserving of attention are, perhaps, those connected with the proper motions of the stars; for it is found, that after due allowance has been made for the effects of precession, nutation, and other apparent and general motions by which their positions are affected, the observed places of many stars differ sensibly from their computed places, and in this case they are concluded to be erratic, or to have peculiar motions unconnected with that of the earth. It was imagined, indeed, by Sir William Herschel, that a great number of these supposed proper motions might be explained, by supposing the sun, accompanied by the whole system of planets, to have a motion in space directed towards the constellation Hercules; in which case the observed variations of position would be occasioned, not by a

real, but by a parallactic motion. This hypothesis has, however, been found to be entirely inadequate to the explanation of the phenomena. Admitting—what is extremely probable—that both the sun and the stars have a motion in space, it becomes a problem of very great difficulty to determine what part of the observed motion of any star is due to the translation of the sun: formulæ have indeed been constructed for the purpose by Burckhardt, but when applied to the observations, they lead to results which cannot be reconciled with the direction assigned to the sun's motion by Sir W. Herschel. This point has lately been investigated by M. Bessel, who, founding his disquisitions on a much greater number of accurate observations, has shown that not one only, but numerous points, may be assigned in the sphere, some of them even diametrically opposite to each other; such, that by supposing the sun to move towards any one of them, the proper motions of many stars will be explained; but that whatever point is assumed, so many proper motions still remain unaccounted for, that there is little reason for preferring one point to another. It follows, therefore, that the fact of the translation of the solar system, and the direction of its motion, still remain to be determined by future observations. Even with regard to the proper motions themselves, the uncertainties seem to increase in proportion to the extent and accuracy of the observations made to determine them. Nothing can be conceived less satisfactory, both as to quantity and direction, than the results obtained from the comparison of different catalogues, and even of the same catalogues when compared by different computers; as an instance of which, we may state a fact adduced by Mr Baily, in the preface to a catalogue of stars published by the Society, to which more particular allusion will be made hereafter. Baron Zach, on comparing Maskelyne's observations of the Greenwich stars with those of Bradley, found the proper motions in right ascension of γ *Pegasi*, α *Ceti*, *Rigel*, *Sirius*, *Spica*, γ and β *Aquilæ*, α *Cygni*, α *Aquarii*, and α *Pegasi*, to be all *positive*; while Maskelyne himself, with the same observations, not only differs as to the amount of the proper motion of each of these stars, but makes them all *negative*; that is, he conceives them to take place in an opposite direction.

Various causes concur in producing these discrepancies; and, in general, when quantities so minute as those in question (the annual amount of the greater number of the supposed proper motions being less than half a second) are concerned, the errors of observation are mixed up in so many ways with those of computation, that it is impossible to disentangle them, or ascertain the precise influence of each. The principal cause of disagree-

ment, however, in this case, is undoubtedly to be ascribed to the different methods employed for computing the effects of the precession; a variable element, of which neither the laws nor the amount are known with absolute precision. Small errors in the assumed obliquity of the ecliptic, another variable element, also contribute to render the results of comparison uncertain and discordant. For all these reasons, it will be readily apprehended that the evidences of proper motion, in the greater number of stars to which it has been hastily ascribed, are at present, and must remain for a long time to come, inconclusive. There are, indeed, a few stars, with respect to which those evidences are decisive, and which therefore must necessarily be considered as erratic. Such are 61 *Cygni*, and μ *Cassiopeiæ*, the former of which has already described an arc of four degrees in the heavens since the date of the first observations. The most remarkable fact connected with this subject is, that the greater number of stars supposed to be erratic, are double or compound stars.

The double and multiple stars form a class of objects, to which observers have, of late years, directed much attention. Although a few of them had previously been occasionally observed as objects of curiosity, they were first pointed out as particularly worthy of attention by some discoveries of Sir W. Herschel, who was induced to examine a great number of them minutely, in the hope of discovering among them some indications of annual parallax; respecting which, it was remarked even by Galileo, that they were well adapted to give information. It is evident, indeed, that if, as was at first supposed, the appearance of a double star arises merely from the accidental circumstance of two stars being situated in the same line of vision, their distances from the earth will probably be extremely different; and hence, if affected by parallax at all, it must be in different degrees, so that they will present the appearance of alternately approaching to, and receding from, each other. Herschel carefully measured, micrometrically, the apparent distances of a considerable number of contiguous stars, and their angles of position, that is to say, the angles made by straight lines joining them with the parallel of declination; and on examining the same stars about 26 years afterwards, he found that certain changes in their relative positions had taken place, indicative, not of a parallactic motion, but of a motion of revolution of one of the stars about the other, or of both about a common centre. Herschel, who never hesitated to ingraft a bold hypothesis even on the slenderest analogies, conceived that this phenomenon furnished a proof of the existence of gravity in the sidereal heavens, and that the two stars, like a sun and planet, were connected by a force of the

same nature as that which pervades and governs the solar system. The circumstance of connected motion imparted an uncommon interest to the subject. The heavens were accordingly explored, or, as the astronomical phrase is, *swept*, for double stars; and, happily for the gratification of the curious observer, they are found in the greatest abundance,—of all sizes, between the first and twentieth magnitudes, fractions included; and of all colours, red, blue, yellow, green, and scarlet. Sir W. Herschel, who commenced his observations with the knowledge of only *four* double stars, presented to the Royal Society, at different times, lists containing several hundreds. His distinguished son and Mr South inserted in the *Philosophical Transactions* for 1824, a list of 380 double and triple stars. In a second series of observations, published in 1825, Mr South gave the places and angles of position of 458, of which 160 had not been before observed. Mr Herschel has published in the *Memoirs* now before us, a catalogue containing 1000; and M. Struve, director of the Dorpat observatory, in his *Catalogus Novus Stellarum Duplicium et Multiplicium*, has given a list of 3063, observed with Fraunhofer's splendid refractor. These extensive and multiplied observations have put the fact of a connected motion, at least with regard to some stars, beyond all doubt; and, when repeated after a considerable lapse of time, will probably lead to the same conclusion with regard to many others. The most remarkable instance of a revolving binary system yet observed, is that of ξ *Ursæ Majoris*, the component stars of which appear to complete a revolution in about 60 years; and already, since its discovery in 1781, more than three-fourths of a circuit have been described. A similar phenomenon is presented by the double star *p Ophiuchi*.

A curious circumstance respecting the double stars is, that many of them exhibit singular instances of contrasted colours. White and blue, and white and purple stars, are not unfrequently combined together. In some cases where the individual stars of a compound system differ considerably in magnitude, the large one is yellow, while the smaller ones are blue or purple. Red stars are also found combined with white; and in the double star numbered 647, in Mr Herschel's catalogue, the large one is described as being of a 'deep blood-red, a very remarkable colour, while the small one is green.' It would be difficult to give any satisfactory explanation of these phenomena, which, however, do not appear to be altogether independent of determinate laws. As a general rule, liable to few exceptions, Mr Herschel remarks, that 'the excess of rays belonging to the less refrangible end of the spectrum, falls to the share of the large

‘star, and those of the more refrangible portion to the small. This may in some measure be accounted for by the fact, that the more luminous rays are those of the least refrangible half; partly, too, by the effect of contrast. In many cases, the colours are too strongly marked to be merely illusion; and another fact, not less remarkable,—viz. that though red single stars are common enough, no example of an insulated blue, green, or purple one has yet been produced,—renders the probability of some other relation than mere juxta-position in such cases of decided contrast very considerable.’

Mr Herschel accompanies his observations with some remarks that cannot fail to be interesting to those who have not had an opportunity of witnessing the effects of very powerful telescopes. For example, No. 47—taking the numbers of his catalogue—is ‘triple. The large star the intensest orange. Very beautiful.’ No. 100 is quadruple. In 325, ‘the large is white, the small fine ruddy purple.’ No. 337 is ‘beautifully triple.’ No. 351 is quintuple. No. 367 is ‘one of the most curious objects in the heavens. It is a triple star, forming an equilateral triangle, and placed exactly in the centre of a small circular nebula, which extends a little beyond the stars on all sides, surrounding them like an atmosphere.’ No. 548 is ‘sextuple. A curious semicircle of 5 stars, one nearly in the centre.’ No. 591 is ‘a most curious and interesting object; a double star, placed exactly in the central vacuity of a large irregular nebula, which appears to have broken up into three portions by three rifts or cracks, extending from its centre to its circumference, and whose directions meet at the double star.’ No. 749 ‘is a most curious object. It is a double star, involved in a faint round nebula.’

Furnishing so many subjects of curious remark, the observation of double stars, it will readily be supposed, is one of the most inviting pursuits to which the astronomer can direct his attention. The field of research is absolutely boundless, or, at least, is only limited by the optical powers of the telescope; and what, to an amateur, is of more consequence than all, it requires no knowledge of what is properly called astronomy; it exacts no fatiguing calculations, or mastery over a difficult calculus; in short, is independent of any other aids than a sharp vision and a powerful telescope. It may reasonably be doubted, however, whether it is worth the pains bestowed on it, or is likely to reward the observer with any very important result. It would, doubtless, be interesting to extend the analogies of the solar system to the remotest limits of visible space, and trace the effects of gravity in the sphere of the stars; but where the means of comparison are so scanty, any analogical inferences that can be

made respecting the forces which connect and govern their motions, must be considered as amounting only to slender probabilities. As the subject, however, has been extensively prosecuted of late, and is considered by astronomers as one of peculiar interest, we will gratify our readers by transcribing the following eloquent apology—for such it is—made for it by Mr Herschel : ‘ It may, perhaps, be enquired,’ says he, ‘ why we should aim at ‘ increasing our list of double stars, already so numerous, and why ‘ this list should be carried down to such minute objects as many ‘ of those here pointed out. To such a question, I apprehend, the ‘ answer may be found in this consideration ; the labours of the ‘ astronomer, in the present state of his science, is much like that ‘ of one who should examine, grain by grain, the sands of the ‘ sea, in the certainty that, among them, numerous grains must ‘ exist of extraordinary value, or singular properties, and in that ‘ well-grounded hope of finding them, which a certain considerable amount of success already obtained would afford. The ‘ more individuals our search embraces of a class which has ‘ already proved productive, the greater our chance of farther ‘ success ; and so long as no presumption *a priori* can be adduced ‘ why the most minute star in the heavens should not give us ‘ that very information respecting parallax, proper motion, and ‘ an infinity of other points, which we are in search of, and yet ‘ may never obtain from its brighter rivals, the minuteness of an ‘ object is no reason for neglecting its examination. The small ‘ star μ *Bootis*—a most insignificant object—is a revolving double ‘ star, a binary system ; an object, therefore, of curious speculation. 61 *Cygni*, μ *Cassiopeiae*, ξ *Ursæ Majoris*—all trifling ‘ stars—have claims on the watchful attention of astronomers ‘ beyond many stars of the first magnitude. And who can say ‘ that, among the innumerable multitudes of minute telescopic ‘ stars, some one or two may not be found near enough to our ‘ system to exhibit, not only sensible, but large parallactic motions, ‘ or proper motions of a character approaching to planetary, and ‘ which may one day enable us to trace the existence of solar ‘ attraction beyond the limits of the orbits of the planets and ‘ comets of our present system, or to define the path of the sun ‘ in space ? It is clear that, if such cases exist, they will be most ‘ probably detected when a star in this predicament is in the immediate vicinity of another not so circumstanced. But if small ‘ double stars are to be watched, it is first necessary that they ‘ should be known ; nor need we fear that the list will become ‘ overwhelming. It will be curtailed at one end by the rejection ‘ of uninteresting and uninformative objects, at least as fast as it ‘ is increased on the other, by the accession of new candidates

'for examination ; and if, in the result, but one individual of such a nature as above hinted at should at length be found, the toils of whole generations of astronomers would be amply repaid ;—it would be the diamond remaining, after searching and throwing away the rubbish.'—(*Memoirs*, vol. ii. p. 672.)

The observation of double stars has not conducted to any trace or appearance of annual parallax. All the researches hitherto made on this subject have been ineffectual ; at least no decisive instance has, as yet, been given of its existence with respect to any star whatever. At first, it was searched for among the brightest, because it seemed probable that these are situated nearest to the earth ; afterwards among the double stars, on account of the facilities they afford for its detection. But the diligence of the astronomer has been equally fruitless in respect of them ; and having now no reason for selecting one class of stars in preference to another, he aims at the examination of *every* minute object which enters the field of his telescope. Dr Brinkley has, indeed, imagined that the Dublin circle indicated the existence of parallax, and he instances some stars with regard to which its influence was too great to be mistaken ; but his results have not been confirmed by the excellent circles of the Greenwich Observatory, so that the annual parallax of any star hitherto observed cannot be said to be appreciable even with the largest and most delicate instruments. This circumstance gives us an overwhelming idea of the enormous distances of the least remote of these bodies from the solar system.

In the same Memoir from which the preceding extract is taken, Mr Herschel has given an interesting account of the appearance of some of the Nebulæ—another class of celestial objects, which can only be well observed with the assistance of very powerful telescopes. These faintly luminous patches, resembling in some respects the fleecy clouds occasionally perceived floating in the upper regions of the atmosphere, and from which they have their name, exist in great numbers, and have attracted attention ever since the discovery of the telescope. The milky-way is a conspicuous instance of a nebula on a large scale. Some others, as that in the girdle of Andromeda, are visible to the naked eye, and have consequently been known since the earliest ages. Ptolemy makes mention of four of them in his catalogue. The telescope, which has added vastly to their number, has shown that the greater part of them owe their appearance to the blended and confused light of congeries of little stars, clustered together so closely as to be inseparable by the unassisted vision. There are others, however, in which the best telescopes exhibit

no separate stars; and these, consequently, appear to require a different explanation. The very remarkable nebula in the sword-handle of Orion, (the discovery of which is inadvertently ascribed by Mr Herschel to Huygens, as it had been previously taken notice of by Hodierna,) is an instance of this sort. Huygens describes it, in his *Systema Saturnium*, as giving the idea of a rent or gap in the dark ground of the sky, admitting the light to penetrate from the more luminous regions beyond. His words are these:—‘*Ex his autem (stellis scilicet) quatuor, velut trans nebulam lucebant, ita ut spatium circa ipsas multo illustrius appareret reliquo omni cœlo; quod cum apprime serenum esset ac cerneretur nigerrimum, velut hiatus quodam interruptum videbatur, per quem in plagam magis lucidam esset prospectus.*’ Mr Herschel has accompanied his description of this nebula with a drawing, exhibiting its appearance in his 20-foot reflector, which is remarkable as differing widely from the figures of the same object given by Huygens, Mairan, Picard, Legentil, and Messier,—whether on account of its having been observed with a better telescope, or because its figure has actually undergone very considerable changes, it is impossible to form any satisfactory conjecture. The differences of the telescopes, or of the atmospherical circumstances under which it was observed, are, however, sufficient to account for the little agreement of the descriptions; for a body whose light is so extremely faint and dilute will scarcely ever, in any two telescopes, present exactly the same appearance; and a slight alteration in the state of the atmosphere, or the faintest gleam of moonlight, is sufficient to change entirely its apparent form and visible outline. ‘I know not,’ says Mr Herschel, ‘how to describe it better than by comparing it to a curdling liquid, or a surface strewed over with flocks of wool, or to the clouds of a mackerel sky when the flocks of which it consists begin to assume a cirrous appearance. It is not unlike the mottling of the sun’s disk; only—if I may so express myself—the grain is much coarser, and the intervals darker; and the flocculi, instead of being generally round, are drawn out into little wisps. They present, however, no appearance of small stars, and the aspect is altogether different from that of *resolvable* nebulae. In the latter, we fancy, by glimpses, that we perceive stars, or that, could we strain our sight a little more, we should see them. But the former suggests no idea of stars, but rather of something quite distinct from them.’

Since, then, the appearance of some of the nebulae indicates something different from stars, their physical constitution becomes a curious subject of enquiry. The prevailing hypothesis seems to regard them as agglomerations—in a more or less condensed

state—of self-luminous or phosphorescent material particles ; the matter, in short, out of which new stars and planets are slowly formed by the gradual condensation of the particles from the effects of their mutual attraction. This idea seems to have originated with Sir W. Herschel, who, having examined a great number of nebulae, found them in all different states of condensation, from the most diffuse patch of faint light to an almost defined nucleus ; and having, moreover, observed some stars surrounded by a portion of nebulous matter, as if the process of condensation had not been completed, concluded that all the existing nebulae are gradually subsiding into stars. Wild as this hypothesis may appear, analogical arguments are not wanting to give it some degree of plausibility ; and it is recommended by the circumstance of its furnishing a mechanical explanation of some phenomena for which it is difficult otherwise to account. It was remarked, for instance, by Michell, in the *Philosophical Transactions*, that the doctrine of chances renders the existence of a group of stars, clustered together within a very narrow space, such as the Pleiades, infinitely improbable, excepting on the supposition of a primitive cause, or of some determining principle or primordial law of nature. The hypothesis of a nebulous origin, affords an easy explanation. Suppose, for example, the equilibrium of a mass of nebulous matter, the particles of which are feebly held together by an attractive force, to be disturbed by any cause whatever ; different points of attraction will be formed, each of which will collect the surrounding matter, and when the absorption is completed, the result will be a group of stars, such as the Pleiades. When the equilibrium of the nebulous mass is not disturbed, the whole matter slowly collapses into a single star ; when two nuclei are formed, the result is a double star ; and if the mass had originally a motion of rotation, or acquired it in the process of condensation, that motion will still continue, and the double star exhibit the phenomenon of a binary system, circulating about a common centre of gravity. The peculiar phenomena of our own system also countenance the hypothesis of a nebulous origin. The motion of all the planets about the sun in one direction, and their rotatory motion about their own axes in the same direction, together with the small inclinations of their orbits to the plane of the solar equator, are only susceptible of explanation on the supposition that the sun and planets have a common origin. Laplace has developed this idea at great length in his *Système du Monde*. He supposes the sun's atmosphere to have originally extended beyond the remotest of the planets, and that these owe their existence to the condensation of that atmosphere, through the gradual loss of heat, radiated into

the void regions of the universe. As the temperature decreases, the mutual distances of the particles become less; whence the magnitude of the mass is diminished, and the velocity of its rotatory motion consequently increased, in virtue of a mechanical principle, according to which the sum of the areas described by the radius vector of each molecule of the sun and his atmosphere, projected on the plane of the equator, is a constant quantity. Hence the remotest stratum or zone of vapours is thrown off by the effects of centrifugal force; but it still continues to revolve with the velocity it had previously acquired, and without deviating from the plane of the solar equator. The mutual attraction of the particles composing the detached stratum unites them in one mass, and thus a planet is formed, of which the two motions of translation and rotation are composed of all the particular motions of the individual particles. In this manner Laplace explains the uniform direction of the motions; and the same hypothesis may also serve to account for the brilliancy of the planets, which it is difficult to conceive as arising entirely from the effects of reflected light. Partaking of the nature of the solar substance, they may be supposed to retain some portion of the phosphorescent qualities of the great luminary, which, being called into action by the impression of the sun's rays, may cause the emission of light in sufficient quantities to occasion the splendour of their appearance.

A fatal objection to this plausible hypothesis is, that it leaves the motions of the comets entirely unexplained; and Laplace himself was obliged to admit that it allows to them only an accidental connexion with the solar system. Instead of moving all in the same direction, like the planets, and in planes slightly inclined to the ecliptic, the motions of as many of them are retrograde as direct, and they make with the ecliptic angles of all possible magnitudes. But recent discoveries have proved the regular revolution and periodic returns of some of them at least; and these, consequently, are as much entitled to be regarded as permanent parts of the solar system, as the Earth or Jupiter. The parallax of the comets, by showing that these bodies are placed far beyond the orbit of the moon, furnished Tycho with arguments to demolish the solid spheres of Aristotle; their random directions are equally inconsistent with the hypothesis of Laplace.

It is perhaps superfluous to remark, that the materials on which cosmological speculations in general are built, are by far too scanty and slender to afford us any safe guidance in our pursuit after knowledge. The imagination is bewildered in attempting to trace the effects of causes whose operation embraces the whole constituent materials of the universe; and is con-

gh periods of duration to which we can suppose no cosmologists are compelled, from the appearances of the assign to it a duration of many thousands, perhaps millions of years, what length of time must the cosmologist suppose necessary to reduce a gaseous nebula into a permanent planetary system? Experience shows pretty clearly the inutility of such speculations. What has yet been learned, it may be asked, respecting the physical constitution of our own moon, notwithstanding all the observations which have been made on that satellite since the days of Galileo and Scheiner? Her distance and magnitude we can ascertain by means of her parallax and apparent diameter; her mass and figure are deduced from the physical theory of her motions and equilibrium; but of her origin and internal structure, we neither know, nor ever can know, any thing whatever. And if such is the result of our researches respecting a body placed almost in our immediate vicinity, there is little reason to hope that we shall be more successful with regard to those whose distances are so great that the most powerful telescopes are required to render them even visible.

We have been led to extend our remarks on this subject by the importance which observers at present seem disposed to attach to a department of astronomy, which, however curious in a speculative point of view, can in no case have any practical bearing on the concerns of life, or, by any process of reason, be advanced beyond the limits of simple conjecture. The diligence with which it has recently been prosecuted, we are inclined to ascribe in a great measure to the example and popular fame of the late Sir W. Herschel, whose name will always occupy a conspicuous place in the history of astronomical discovery, and of whose labours it is not our wish to say any thing in disparagement. Aided by the most powerful telescopes that had ever been directed to the heavens, he penetrated farther into the depths of space than mortal eye had ever done before; and the novelty of some of the objects which presented themselves, called forth all the powers of an active imagination, to the unrestrained exercise of which it was his delight on all occasions to give unbounded scope. But while we gratefully acknowledge the services which he rendered to astronomy, by improving the means of observation, justice compels us to reserve our admiration for those who labour in the less brilliant, perhaps, but infinitely more useful, departments of the science. Herschel's fame rests on discoveries, for which he was indebted solely to the great power of his telescope. That of the planet sometimes called by his name, was an accidental discovery, in which genius had no part, and which could not have been much longer deferred. He

did not, like his illustrious contemporaries, Delambre and Piazzi, distinguish himself by the amelioration of the tables, or the reduction of catalogues of the stars, or by improving methods of computation, or indeed by any labour of practical utility. He devoted himself to the observation of astronomical phenomena, and in this department his unrivalled telescopes gave him a sort of supremacy. His speculations concerning the structure of the universe,—the progressive condensation of nebulae and clusters of stars,—the nature of the sun, and the seasons of the planets, occupying a large portion of the goodly collection of sixty-seven Memoirs, which he contributed to the *Transactions of the Royal Society*,—are lively and amusing; but they are entirely useless to astronomy, and have added nothing to the mass of real knowledge.

One of the most interesting consequences of the minute attention now given to the heavens, has been the discovery of two revolving comets of short periods. Ever since Halley's famous prediction of the return of the comet of 1684, these bodies have been diligently searched after, in the hope that some of them would be recognised as former visitors of our system; but till the year 1819, no other comet was discovered which was known with certainty to have been observed in a previous revolution. In that year, Professor Encke, of Gotha, noticed that the elements of a comet then visible, were those of one which had appeared in 1805, and which, according to the computations, must have completed four revolutions in the interval between 1805 and 1819. This discovery was confirmed by the return of the comet to its perihelion in 1822, when it was observed at Parametta exactly in the situation indicated by the computations of Encke. It has also been observed in its two subsequent revolutions, so that no doubt can now remain of its being one of the permanent bodies of the solar system. Another periodic comet was recognised in 1825 by three different observers about the same time; but as the priority of discovery was somewhat on the side of M. Biela, of Josephstadt, in Bohemia, it is usually distinguished by his name. Thus astronomy is now enriched with three periodic comets, moving in elliptic orbits, and performing stated revolutions about the sun. The periodic time of Encke's comet is 1213 days, or three years and about four months; that of Biela's is 2461 days, or six years and nine months; while Halley's only completes its period in 75 or 76 years.

If all the comets which approach near enough to the sun to be visible, are permanently attached to the system, it may appear singular that so few of them have been identified as revolving comets. Their number, to which every successive year is ma-

king additions, is doubtless very considerable. Upwards of 150 orbits have already been computed from tolerably good observations. It must be recollected, however, that many comets appear to have very long periods, and that observations sufficiently precise to identify an orbit, hardly extend beyond a century. The comet of 1811 has been computed, by Bessel, to require 3383 years to complete its revolution, and the periodic times of some others amount to several hundred years. Fortunately the periodic times of the two recently discovered are very short, and a few revolutions will furnish data for perfecting the theory of their perturbations, and probably also throw some light on their physical constitution. Encke's comet, in particular, will be an object of diligent observation. 'Of all the wonders that astronomy has disclosed to us,' observes Mr Herschel, 'there is none more astonishing than to see this dim, misty, all-but-incorporeal thing, whose parts can have no more cohesion than the floating particles of the lightest fog, borne along by its inertia, and commanded by its gravity, like the denser planets with which it must henceforth be associated. We look to this comet as the revealer of many secrets,—such as whether there exist a ponderable, or at least material, ether in the planetary spaces, or any vestige of unabsorbed nebulous matter in our system, susceptible of being caught up by it, and thus diminishing its speed, and retarding its progress.'

As a comet, in consequence of its being invisible during the time it is describing the greater part of its trajectory, can only be identified by the similarity of the elements of its orbit, the computation of those elements, from a small number of observations, is a problem of great interest; and when the perturbing forces of the planets are taken into account, which is always necessary, one also of great labour and difficulty. Various methods of computing the perturbations have been proposed, and, considered on the side of theory, the solution of the problem is complete; still, however, by reason of the excessively tedious calculations which all the methods yet known exact, the subject is one which demands the farther researches of the geometer. An attempt to improve this part of the analytical theory of the world, would be worthy the consideration of some member of the Society who feels himself sufficiently master of the calculus.*

Observation, notwithstanding all the attention it exacts, is only the recreation or amusement of the astronomer; and while we indulge in admiration of the various wonders which the te-

* We perceive from the monthly notices circulated by the Society among its Members, that a paper has lately been read on this subject.

lescope exposes to our view, we ought not to forget that there is another department of the science in which discoveries have been made equally wonderful, and of which the human genius has infinitely more reason to be proud. We allude, of course, to Physical Astronomy, or the analytical developement of the consequences resulting from the universal gravitation of matter. By the discovery of the law according to which the different bodies of the solar system act on each other, the whole theory of the planetary motions was reduced to the solution of a great problem of Mechanics, of which the data, or the elements of the motions, are furnished by observation. The exact solution of this problem transcends, indeed, the force of analysis; but its approximate solution, on which the greatest geometers have exercised their powers since the days of Newton, has led to a more complete knowledge of the planetary system than could ever have been gained from observation—has made us acquainted with the laws and the periods of those secular inequalities which are measured, not by years, but by centuries—with that admirable arrangement through which the elements of disorder or destruction are excluded from the system—and has banished empiricism from the tables, which are now computed from theory alone, and borrow from observation only the indispensable data. It is by the discovery of these sublime truths—so remote from common apprehension, but at the same time so intimately linked with all that has any useful application in the science of the stars—that Physical Astronomy is allowed by universal consent to form the loftiest monument, and the best measure, of the intellectual powers of man. Though England glories in having laid the foundations of this sublime department of science, she has been frequently reproached with having but feebly contributed to raise it to the great height which it has now attained: and while British artists and observers are conspicuously distinguished in the foremost ranks, it must be confessed that the land of Newton has given birth to none of those grand discoveries which, during the last century, resulted from the application of the general laws of Mechanics to the system of the universe. It is now, we think, generally admitted, that the mathematical science of this country occupies a more elevated position than it did some twenty or thirty years ago; but we lament to say, that the *Memoirs of the Astronomical Society* exhibit no traces of its renovation. Within the compass of the three volumes yet published, we find only a single paper that can be properly said to be devoted to the improvement of the analytical theory of gravitation, and of this the author is a foreigner. This neglect of theory on the part of our astronomers is not a little extraordi-

nary, considering the assiduity and signal success with which the other departments of the science are cultivated. For these departments, however, a very slight acquaintance with mathematical science suffices: indeed, if we except the planetary perturbations, for the computation of which even the most refined analysis is scarcely sufficient—the only mathematical knowledge necessary to the practice of astronomy is confined to a few of the elementary theorems of Geometry, the simple rules of Algebra, and Spherical Trigonometry. We speak not of the observation of nebulae, and double stars, or other phenomena: for this purpose, it is sufficient to be able to read angles; and hence, no doubt, one cause of the general interest taken in such observations.

Although the *Memoirs* are thus strikingly deficient in contributions, which profess a profound knowledge of the higher geometry, it would be extremely unjust to ascribe to the Council of the Astronomical Society any indifference towards the noblest and most important department of their science. On the contrary, they seem, in their official capacity, to have used every means in their power to rouse the dormant energies of their mathematical members. They have repeatedly proffered their gold medal as a reward for interesting analytical discussions; they have successively invited attention to the theory of the satellites of Saturn,—of the four new planets,—of the lunar motions;—and, finally, they have left to their geometers the choice of their own subject, requiring only some extension or improvement of methods or formulæ already in use. The Council have therefore, in this respect, shown a laudable regard for the interests of Physical Astronomy; and if their efforts have hitherto been unattended with success, their zeal at least is deserving of every praise. They also remark, justly, that they are only the officers of the Society, and can merely select and arrange such materials as are put into their hands. It belongs, therefore, to the individual members to uphold, or rather create, the mathematical reputation of the Society, and maintain that connexion between theory and observation which, since the days of Apollonius of Perga, has been productive of the greatest advantages to astronomy.

It may be remarked, as accounting in some measure for the paucity of physico-mathematical papers in the *Memoirs*, that the Society is only one of many associations now existing in the country, within the range of whose enquiries such subjects are included. Other societies will divide with it the labours of the small number of mathematicians who are really capable of applying the integral calculus with effect to the development of

the more abstruse consequences of the theory of gravitation; and the Royal Society, notwithstanding all the sins it has to answer for on this head, will probably continue to receive the most valuable contributions. It has been through this channel, that Mr Ivory has given to the world his important researches respecting the Attraction of Spheroids, Atmospheric Refractions, and other subjects connected with Physical Astronomy;—researches which vindicate the honour of British science, and which, in the history of mathematical and physical investigation, assure to the name of their illustrious author a place beside those of Laplace and Lagrange.

The Memoir to which we have above alluded, and which, on account of its *singularity*, is deserving of particular consideration, is the production of M. Plana, of the Turin Observatory; and its object is the discussion of some of the methods of analysis developed by Laplace in the *Mécanique Céleste*, for the computation of the planetary perturbations. The value of a discussion of this nature ought not to be measured merely by the correction of numerical results; in able hands it seldom fails to be accompanied by some extension or improvement of analysis, and it is even of importance to possess different modes of investigating the same subjects. The results of the theory of the world evolved by analysis are indeed so remote from the first principles, that, as Laplace remarks, astronomy can hardly receive a greater benefit than in the verification of their exactitude. It was not, however, the hope of finding any thing essential to correct in the immortal work of Laplace, that induced M. Plana to undertake the very laborious investigation which in this paper he has presented to the Astronomical Society, but to show that the improvements recently made in the methods of computing the perturbations rendered many questions susceptible of an easier solution than the want of symmetry in the ancient methods permitted: and, as he remarks in his introduction to the subject, it will not appear surprising, if, aided by the recent discoveries of geometers who have extended the boundaries of their science, he should be conducted to results more accurate than any previously published.

M. Plana commences his Memoir by examining a particular artifice of analysis, employed by Laplace for the purpose of transforming the elements of the fictitious orbit assigned by theory, when the mutual action of the planets is neglected, into those of the real orbits determined by observation. Laplace's method for this purpose—and the same had been previously employed by Lagrange—consists in the introduction, into one of the integrated formulæ of motion, of a supernumerary arbitrary constant, assu-

med in such a manner that the term which in the resulting series expresses the mean motion, shall be equal to zero; thus leaving only the deviations produced by the action of the disturbing forces. M. Plana accomplishes the required transformation without having recourse to any indirect assumption, and his method has the advantage of keeping separate, through the whole course of the analysis, the terms on which the perturbing forces have no influence. The results of this direct method confirm the accuracy of the conclusions of Laplace.

In the succeeding part of his Memoir, M. Plana examines the method employed in the *Mécanique Céleste*, of determining the amount of the action of the fixed stars on the secular variations of the planetary system. Although the phenomena of sidereal astronomy leave scarcely any room to doubt that the stars are centres of attraction like the sun, yet on account of their vast distances they can hardly be supposed to exercise any influence on our system; Laplace, however, in order to leave nothing to *a priori* reasoning which could be reached by the calculus, thought it necessary to submit this point to analytical investigation; especially as it is not impossible that forces in themselves infinitely small, may produce sensible effects by being exerted through an infinity of time. In this case, M. Plana's results differ somewhat from those of Laplace in numerical value; but it is demonstrated by both authors, that the action of the stars is so feeble that it must accumulate during many hundreds of centuries before it can sensibly affect the secular inequalities of the planets. There is, however, a curious remark to be made on this subject. The two equations which are generally supposed to assure the stability of the planetary system,—namely, that which exists between the squares of the eccentricities, the masses, and the square roots of the axes; and the analogous one between the squares of the tangents of the inclinations, the masses, and the square roots of the axes,—are, by reason of the action of the stars, not mathematically exact, and can only be regarded as demonstrated for the simple powers of the perturbing forces; for the action of the stars is of an order equal to the squares or cubes of those forces. The causes here assumed to be in operation cannot, indeed, become sensible till after an almost inconceivable length of time; yet one almost regrets the *possibility* of the existence of any cause by which the stability of the system can be affected; or that beautiful consequence of its arrangement rendered nugatory, through which it is internally secured from any unlimited departure from its actual conditions.

One of the means provided in the economy of nature for the protection of the system from any permanent derangement

sists in the incommensurability of the mean motions of the planets. This circumstance, in general, renders it unnecessary to have regard to the squares or higher powers of the perturbing forces; but in certain cases, as when the mean motions of two planets are *nearly* commensurable, those powers cannot be safely neglected in the computation of their mutual action. Thus the mean motion of the Earth exceeds only by a small quantity four times the mean motion of Mercury; and in the analytical expression of the perturbation of the longitude of that planet, there are certain terms divided by the square of the difference between the mean motion of the Earth and four times the mean motion of Mercury, to which it is indispensable to have regard, because, however small the expression of the force itself may be, it may acquire, through the smallness of its divisor, a very sensible value. The direct computation of those terms is an operation of overwhelming labour; to avoid which, Laplace had recourse to artifices which give an approximate value of them with comparative facility. M. Plana, distrusting such approximations, has gone through the whole process of computing, by the direct method, the perturbations of Mercury by the Earth, and has obtained numerical values of the coefficients of the equations differing considerably from those of Laplace. As, however, the values of the coefficients in question are exceedingly small, the investigation is of more importance to theory than to the tables.

Another instance of the same kind occurs in the case of Jupiter and Saturn. The irregularities of these two planets are so considerable, that they had been remarked by Halley and Lambert, before they had undergone any theoretical discussion; and the discovery of their laws, periods, and physical causes, forms one of the most brilliant triumphs of the genius of Laplace. When the calculus is not pushed beyond the simple powers of the perturbing forces, it was found that the inequalities of the mean motions of the two planets have opposite signs, and are connected together by the following very simple relation. Denoting the mass of Jupiter by m , and his mean motion by a , and taking m' and a' to represent the analogous quantities with regard to Saturn; then the great inequality of Jupiter is to that of Saturn as $m \sqrt{a}$ is to $m' \sqrt{a'}$, so that when the mean motion of the one is accelerated, that of the other is retarded in this ratio. It is easy to see how greatly the numerical computation of the inequalities of the two planets must be facilitated by the above relation; and it is, consequently, of importance to determine how far it is accurate. Laplace had considered that it holds good even when regard is had to the square of the perturbing force; but M. Plana endeavours to prove that it only subsists in re-

owers of that force ; and, having computed each planet separately, by a method which he most minute details, he found, to his surprise, that the result had a contrary sign to that obtained by the former method, and amounted only to a third part of the value. This was much too important, in a theoretical point of view, to be admitted without farther investigation. Accordingly the subject was resumed by Laplace himself; and in a paper, which was published in the *Connaissance des Temps* for 1805, he announced that his new researches had led him to a result in which the results of M. Plana were far from satisfactory, and which differed little from that given in the *Mécanique Céleste*. M. Poisson has also undertaken the investigation of this subject, and confirmed the conclusions of Laplace. He acknowledges, indeed, that he had not verified the long computations of M. Plana—having no reason to suspect their accuracy ; but on making a complete enumeration of all the combinations afforded by the argument of the inequalities in question, (five times the mean motion of Saturn minus twice that of Jupiter,) he found that M. Plana was far from having exhausted them, and that he had neglected terms of a magnitude comparable to that of others which he had included in his analysis. Hence it may be inferred that the discrepancy between the results of the Italian geometer and those of the *Mécanique Céleste* is owing to the magnitude of some of the neglected terms.

M. Plana, in a Memoir lately presented to the Turin Academy, has replied to the objections started by Laplace and Poisson, and still considers the results published in the *Memoirs* as accurate ; observing, not without some appearance of reason, that the most effectual way of putting a stop to the controversy, or at least of rendering it subservient to the amelioration of the tables of Jupiter and Saturn, would be to point out some error in his calculations, instead of trusting to approximations purely theoretical, and of which the advantages are frequently found to be illusory. It is to be feared that few will be inclined to accept this challenge, or to engage in a process of numerical computation, the very aspect of which is appalling ; but M. Plana, in starting the subject, and treating it in so detailed a manner, has done a real service to science—by provoking farther discussion on one of the most interesting and important points of the *Mécanique Céleste*.

Among the contributions to the *Memoirs* most deserving of notice, are some accounts of observations made at Paramatta, in New South Wales, under the direction of Sir Thomas Brisbane, the late governor of that colony. Sir Thomas Brisbane,

who is well known as a distinguished patron and successful cultivator of astronomy, carried out with him a magnificent collection of astronomical instruments, and two able assistants, Mr Rumker, a German, and Mr Dunlop, an ingenious countryman of our own, by whom they were kept in a state of constant activity. This very unusual accompaniment in the train of a colonial governor was provided by Sir Thomas entirely at his own expense; and it is seldom that zeal finds a fairer field for its exertions. Several small, but important elements, can only be well determined by corresponding observations made in both hemispheres. The southern hemisphere is also in a great measure unexplored, our principal acquaintance with its circumpolar stars being derived from the observations made during a three years' absence from Europe, of the indefatigable and devoted Abbé de Lacaille. Dr Halley indeed, and subsequently Dr Maskelyne, had observed for some time at St Helena, but only a very small number of stars; the observations of the former having been defeated through the unfavourable climate of the island, and those of the latter partly through the same cause, and partly through the defective state of his instruments. Lacaille, during his residence at the Cape, observed no fewer than 10,000 stars; and, amidst a multiplicity of other laborious occupations, found leisure to reduce 1942.

A small part only of the observations made at the Paramatta Observatory, has been published in the *Memoirs*. The great mass of them has been communicated to the Royal Society; and we are sorry to perceive that a long series, printed at the expense of the Colonial Department, has appeared in the last number of the Transactions under the name of Mr Rumker, while, incredible as it may seem, that of Sir Thomas Brisbane, who provided the instruments, paid the observer, and whose property of course the observations were, has not once been mentioned in the whole paper. The Astronomical Society has acted a nobler part. In order to testify their sense of the service rendered to science by these observations—important not only by reason of their intrinsic value, but as affording a bright example of what may be accomplished by intelligence and zeal, even when impeded by the entanglements of official duty—they conferred their gold medal, the highest mark of approbation they have to bestow, on Sir Thomas Brisbane. This distinguished person, as is well known, was superseded after a short residence in the colony, and the interruption of the observations has been the cause of great regret to all who take an interest in the progress of astronomy. A series of observations on nebulae and double stars had been undertaken by Mr Dunlop, who, with a

zeal and disinterestedness beyond all praise, remained behind after the departure of his patron, at a considerable sacrifice of personal interests, and, in the face of numerous obstacles, continued his labours till he had completed his observations. In the Transactions of the Royal Society for 1828, Part I. he has published a catalogue of 629 nebulae and groups of stars, accompanied by drawings of 26 of the nebulae. If such drawings could be depended on, the question of progressive condensation might soon be set at rest; but unhappily the difficulty of obtaining correct representations of such objects is so great, that in general their only use is to assist description. Mr Dunlop has given the approximate places of 253 double and triple stars in the third volume of the Memoirs of the Astronomical Society, and his labours were also rewarded by their gold medal.

It gives us pleasure to hear that the government has proposed to continue the observatory at Paramatta; and we trust that no ill-timed consideration of economy will prevent it from being liberally furnished with such instruments as the present advanced state of science demands. Something has already been done by the establishment of an observatory, under the auspices of the Admiralty, at the Cape of Good Hope—a situation which unites the advantages of a propitious climate, with that of being on nearly the same meridian with some of the principal observatories of Europe. The increasing necessity for the accurate fixation of the geographical latitudes and longitudes of our numerous establishments in the Southern Seas, has rendered a measure of this sort almost indispensable.

One of the first advantages which resulted from the formation of the Astronomical Society, was the publication of a set of subsidiary tables, for facilitating the computation of annual tables of the apparent places of forty-six principal fixed stars—so many zero points, which the observer may assume as perfectly determined, and to which he may refer the positions of the other celestial bodies. These tables, which were computed by the order, and at the expense, of the Society, and are published in the first volume of the *Memoirs*, afford the observer the means of computing with the greatest facility, and with the aid of only two or three simple elements laid down in the Ephemerides, the apparent places of the Greenwich stars at any instant between the years 1820 and 1840. They are preceded by an excellent introduction, written by Mr Herschel, in which he explains with great perspicuity the different motions which affect the places of the stars—namely, the precession of the equinoxes, the solar and lunar nutation, the aberration of light; and indicates the formulæ according to which the computations were made, together

with the observations from which the values of the constant quantities employed were deduced. To the astronomer who concerns himself with the more useful objects of his science, these tables, so far as they extend, are extremely valuable, inasmuch as, with their assistance, he may compute the necessary corrections, and obtain the apparent place of any star at the instant of his observation from its registered position in the catalogues, 'without the necessity of even opening a table of logarithms, or having recourse to any other book than an ephemeris.'

Another still more important, and, indeed, highly valuable production, resulting from the activity of the Society, is a catalogue of the places of 2881 stars, selected from the observations of Flamsteed, Bradley, Lacaille, Mayer, Piazzzi, and Zach, and reduced to the epoch of the present year, 1830. It comprehends 'all stars down to the fifth magnitude, wheresoever situated in the heavens—all of the 6th within 30 degrees of the equator, and all the stars to the 7th magnitude inclusive, within 10 degrees of the ecliptic.' For the plan and arrangement of this excellent work the Society was indebted to Mr Francis Baily, a gentleman well known in the scientific world as one of the most active and able promoters of practical astronomy of the present day. In an elaborate preface, Mr Baily has discussed the subject of the variations affecting the positions of the stars in a most satisfactory manner. The formulæ, by which the reductions were effected, are those which were first employed by M. Bessel, of Königsberg, in the reduction of Bradley's observations, and published in his *Astronomiæ Fundamenta*. Much of the labour connected with the reduction and printing of this catalogue devolved on Mr Stratford, one of the Secretaries of the Society, and those who have engaged in similar computations, will know how to appreciate the sacrifices required for the execution of so laborious and ungrateful a task. For their exertions in this cause, the Society awarded their gold and silver medals respectively to Mr Baily and Mr Stratford.

The Society's catalogue puts the observer in possession of a much more ample list of reduced stars, than was furnished by any British catalogue before published. Flamsteed's contains indeed 3000 stars, but even when purged of the effects of aberration and nutation—which had not been discovered in the time of Flamsteed—its instrumental errors are too great and uncertain to admit of its being used as a standard of comparison for determining the places of other stars. Bradley's catalogue also contained 3000, but in the first edition of his Tables by Mason, only 389 of them had been reduced; and the Greenwich observations since

1750, notwithstanding their number and excellence, have been confined to very few stars. The present catalogue contains a sufficient number for any practical purpose whatever; and it is to be desired that observers, instead of aiming at its extension, would exert their efforts to render its accuracy complete. 'In giving this catalogue to the world,' says Mr Herschel, 'we invite their examination to its errors, (for such it must contain,) and call on them to lend their aid to its perfection, by determining, with all the exactness their resources afford, the mean places of the stars it comprises. For this, its arrangement affords every facility, and those who observe, have no excuse for neglecting to reduce. Let us hope that, instead of lavishing their strength in fruitless attempts to give superhuman precision to fifty or a hundred select objects, the formation of a standard catalogue of nearly 3000 stars will be deemed of sufficient importance to fix the attention of astronomers; and that not only those to whom the direction of great national observatories is confided, but even private individuals, if such there be who feel themselves in possession of the means required, may take a share in this glorious, but, at the same time, arduous undertaking.'

Our limits will not permit us to allude more particularly to the other papers contained in the *Memoirs*. In a collection of this nature, some will always be found of little value, or of only ephemeral interest, and many others not susceptible of extract or abridgement. In fact, a considerable number in the volumes now before us are merely devoted to the description of phenomena, such as eclipses, occultations, new comets, &c., or to the detail of observations for the determination of latitudes or longitudes, or the errors of instruments, or to practical matters uninteresting to any but the observer. There are, however, two classes of productions, which, although they cannot be said to aim at the advancement of the science, occupy by far too conspicuous a place in the *Memoirs* to be passed over without notice. These are the Annual Reports made to the Society by its Council, and the Addresses of the President on delivering the prize-medals. The former are productions of very considerable merit. They give a copious account of the labours of the members, or of the general progress of astronomy in the course of the year; and the good taste of those who draw them up, is conspicuous in the absence of all meretricious ornament, or oratorical pretension—the usual bane of such productions. With regard to the Addresses, whatever merit they may claim as literary compositions, we hold their publication to be of somewhat more than doubtful propriety. We feel little sympathy with grave men of science alternately pronouncing formal panegyrics on one

another ; nor can we bring ourselves to think, that if the renown of scientific discovery is not deemed a sufficient compensation for the toils of study or observation, any benefit is likely to accrue from the distribution of prizes and gold medals.

ART. V.—*A Letter to the Representatives of Scotland in Parliament, respecting the state of our Law, and the jurisdiction and duties of the Court of Session.* By A SCOTTISH BARRISTER. 8vo. Edinburgh. 1830.

IT is now above twenty-three years since we directed the attention of our readers to the judicial reforms which were then beginning, and have since been carried to such an extent, in Scotland. We remember that the necessity of these reforms used to be held out by some people as showing conclusively that our whole system was vicious ; while the stability of every thing legal in the sister kingdom was referred to as a proof that there every thing was right. It seems, however, that the experiment had only been tried at first, according to the rule, on the *vile body* ; for now that Scotland is beginning to recover, England's course of physic, and that of Wales, seems to be commencing. Having stated our views when the changes contemplated in this part of the Island opened,* it is right that we should do so, when they are about, as we trust, to close.

The defects in the constitution, and in the procedure, of the Civil Scottish Courts, were so obvious, that it almost appears as if any body might have pointed out the nature, and the succession, of the remedies that were required. The evils were, 1st, That the Supreme Court, called the Court of Session, mustered fifteen strong. It not only consisted of fifteen judges, but the whole fifteen judged as one Court. 2d, That its forms for the preparation and disposal of causes, though in their principles excellent, had got encumbered by a variety of abuses, which, besides other bad results, had the worst one that any scheme of procedure can have, that of diminishing the responsibility of judgments, by enabling judge or party to connect them, at the pleasure of each, with indefinite masses of obscure, irrelevant, or unnecessary, matter. 3d, That, in the extrication of facts, no civil judge could be aided by that curious engine called a jury. The first, and most indispensable, remedial

* Edinburgh Review for January 1807.

measure, was to diminish the Court, which was done, by dividing it into two Chambers in 1808. The second was to introduce Juries in civil causes. This was accomplished in 1815, —the greatest step in our judicial history. The third, which perhaps would have been impossible without the preparation of the other two, was to correct some of the Procedure. For this purpose, a Commission, including four eminent English lawyers, was appointed in 1823, which led to the existing, and greatly improved, forms.

Each of these innovations was vehemently opposed in its day; and always by those who profess to be haters of innovations. Each of them was maintained by government, and there is now scarcely one of the haters who does not acknowledge that the change has been an improvement. There may be a few who remember the wisdom of our ancestors with a sigh; but they see that the return of the good old times is impossible, and they have got into the way of sighing in secret. It took a longer time, and a more resolute firmness, on the part of government, to subdue or disregard the prejudices against trial by jury, than those against any of the other alterations. These also have died, or are fast dying, away; and, on the whole, there has been a disposition to promote the success of each reform, after it was introduced, most honourable to men educated in a different school, and many of whom had, to a great extent, committed themselves by prophesying their failure.

Still there was another era, which has been long predicted, and has now arrived. The judicial establishment of Scotland was planned, or rather had been kept up, with reference to circumstances totally different from those that exist now. The maintenance of a Civil, a Criminal, a Revenue, an Admiralty, and Consistorial Court, was not unsuited to the wants of the people, when they formed an independent kingdom; and those who had to manage, or to thwart, the Union, had enough to do, without meddling with unnecessary matters; and after this, these institutions were too convenient a source of patronage, not to be defended as essential to our existence. But the current of the times left some of them stranded,—high and dry; and a revision of the whole establishment, though it might be delayed, has been long acknowledged as certainly to take place one day or other. Whether the event, though not casually accelerated, would have occurred at this moment or not, is a problem which cannot be positively solved. It is not unlikely that it would; because this happens to be an economical, and, in legal matters, a reforming age. But the *euthanasia* was hastened by one of those minor incidents which often produce unexpected results. The judges wished for an increase of salary. Government war

not perhaps averse to give it; but, knowing the opposition which the proposal would certainly meet with, and probably weary of Scotch law, it resolved that nothing should be done, till the whole should be done together and finally. Accordingly, a new Commission was appointed in 1826, which may be considered to have been chiefly a piece of form. The English members, whose presence, as mere strangers, was so valuable, independently of their skill, were left out of it; and very little investigation was gone into, except by consulting official persons. This Commission made a Report; and the bill that is now before Parliament, is partly founded on that Report, and partly on other changes adopted by government itself.

The details of its provisions are of little interest to the public; but their leading objects are very important, and can be easily explained.

1. About eighteen judicial offices—including the Lord Justice-General, two Barons, two Judges in the Court of Session, the Jury Court, three Consistorial Judges, and the Judge-Admiral,—are to be abolished. The money professed to be saved by this, is about L.23,000 a-year. But this is not exactly the fact; for some of it must be replaced in a new form, when the projected changes are effected. The mere pecuniary saving, however, even though it amounted to that sum, is unworthy of a moment's notice. There are some, who, in these times, will look to nothing else; and certainly proper economy ought never to be lost sight of. But nothing can be more mischievous or paltry, than to allow the idea of saving such a sum to affect the consideration of what is proper with a view to the permanent establishment or reformation of the supreme judicial institutions of the country.

Viewed on its own proper merits, we have not the slightest doubt that this 'fell swoop' is quite right. Some fear has been entertained as to the reduction of the number of judges in the Court of Session,—founded on a doubt, whether the duties of the junior judges, among whom the reduction will take place, can be performed by fewer than seven. But the conclusive answer to this is, that five performed these duties, when they were heavier than they are now. The propriety of the other reductions, has been scarcely even doubted.

Although the business of the Court of Exchequer, both judicial and fiscal, has greatly diminished, we conceive a Revenue Court, sitting in Scotland, to be indispensable. Nothing could be a more complete denial of justice, than to tell a person who had a revenue case to try with Government, that he had only to send his witnesses from Orkney to London. Besides, what is called the Treasury business of the Barons, is considerable, and,

which is of more consequence, it is often very important, and requires to be done in a responsible manner. There neither is any thing, nor, *except by something which in effect would be a Court of Exchequer*, do we know how any thing could be formed, in Scotland, calculated at once to perform those functions of a local Treasury which Government must have performed here, and to afford protection, in their revenue questions, to the people. Subordinate boards, respectable clerks, or itinerant commissioners, would be very inadequate substitutes. Though two out of the four existing Barons, therefore, may certainly be spared, the Court itself ought not only to be kept up, but kept up as a supreme court. As to the Consistorial and Admiralty Courts, they have been abolished, in the public opinion, for at least forty years. There is not a word to be said in behalf of them. They are mere avenues to the Court of Session, without the recommendations of the old avenue, which consisted in its being short, and leading through shelter directly to the object sought. It seems to have been said in Parliament, that the Consistorial Court had been rash in granting divorces; a statement which appears to have rested solely on the fact, that, in above a third of the cases, the guilty party had made no appearance. But every part of this is an error. Nobody, acquainted with the Court, can be ignorant that the failure to appear arises solely from its being obvious that the evidence is so complete as to make resistance useless; and that absence, instead of aiding collusion, defeats it. It increases suspicion, and only causes the appointment of a judicial officer, whose interest it is to detect trick. Nevertheless, both the Consistorial and the Admiralty Courts have subsisted for a very long while, merely as purgatories, which people, with certain causes, never saw the use of, but through which they thought that there was something in destiny that forced them to pass. After they are exploded, it will be found, as in other instances, that the intermediate state was an useless invention.

There are doubtless some, perhaps many, who, in contemplating those melancholy improvements, inwardly groan for the loss of the good places, in the hope of which they were born. The honest way of expressing this, is to say, that they feel an interest in the patronage. The circumlocutory way is, to profess perfect personal disinterestedness, but to lament for the dignity of Scotland, which has been amerced, by degrees, of all the symbols of its ancient independence, till at last it can scarcely boast of one place of which the respectability is attested by its being well paid, and utterly useless. We have all due sympathy with these feelings, and cherish a kindly recollection of the many worthy characters who, after a proper course of political service, have

found an asylum in these legal hospitals. There ought certainly to be a Greenwich and a Chelsea for the maimed in the law. But if the state must provide easy-chairs for veterans, they ought never to be placed on the bench, where it is unseemly to see men dozing. Useless judgeships hurt the useful ones in the public eye. The general judicial respectability is impaired, by any of its portions being exhibited in a state of insignificance ; and they greatly hurt the bar, by alluring crowds to it who are neither qualified nor inclined for its real duties, but who snuff other quarries which lead them away from the proper studies and the fair competition of the profession.

2. When trial by jury was applied in Scotland to civil causes, it was found necessary to trust the experiment, which prejudice made a most delicate one, to a separate court, whose reputation and existence were staked on the success of the measure. But it was always contemplated that, after due training, this form of trial should be practised in the ordinary Supreme Court ; and it is thought that the time has arrived at which this may be safely attempted. It is accordingly proposed that the Jury Court shall be abolished, and that its duties shall be transferred to the Court of Session.

If this, which is by far the most important of all these measures, were an open question, it would not be difficult to suggest doubts well calculated to make the friends of trial by jury pause, at least with respect to the mode in which trials are to be conducted for some time after the union shall be effected. This was the only subject on which the members of the late Commission differed ; and no minority was ever entitled to greater deference. The general principle, of making the use of juries a part of the ordinary practice of the Supreme Court, is unquestionably sound ; for, independently of all considerations of economy and convenience, the combination of the trial of facts with the decision of law, seems to be essential to each. One court deciding law, but never trying facts, and another trying facts but never deciding law, are like two men standing on one leg, or seeing with one eye, each. Pleading will never be precise—nor law capable of being purely given—nor judges self-possessed,—till both be united. Our doubts, therefore, are not in the least as to the ultimate measure, but solely as to the time. We refrain, however, from urging them, for two reasons. In the *first* place, the junction seems to be resolved on ; and this being the case, it is better to give it every chance, by expressing our earnest wishes, as we do, for its success, than to arm those who may still be hostile, with objections which may not have occurred to them, and which, after all, may be groundless. In the *second* place, our fears, even though they were

well founded, rest on views which are only temporary; and, therefore, it is perhaps needless to be anxious about risks which every hour is diminishing. Much will depend on the manner in which the judicial functions shall be discharged during the period that must still elapse, before the Court of Session is thoroughly imbued with the feeling, and with the practice, of trial by jury.

One thing is certain;—which is, that if jury trial is either to fail, or is not to work sweetly, as mechanics say, this cannot now be ascribed to any thing in the nature of the institution. When this mode of trial was first introduced into Scotland, the strongest and most confident predictions were announced of its utter and speedy failure. It would not do with Scotch law; the serving on juries would be an intolerable oppression on country gentlemen; unanimity implies perjury, and perjury would be odious to a pious people; there were no jurors like judges,—skilful in evidence—in private causes, where no party was opposed to the crown, and, therefore, required protection; trial by jury was, in itself, a bad thing, and nothing but idolatry made it a favourite in England; but it was made ten times worse, when it came attended, as it necessarily must, by its long and complicated train of checks and correctives, in the shape of bills of exception, new trials, &c:—All these objections were urged confidently and clamorously. The experience of the last fifteen years has silenced them all; and has most fully demonstrated, not only that there is nothing in the circumstances of Scotland repugnant to jury trial, but that it is in the very situation in which this mode of trial is chiefly required. The time of the Court of Session, and of the House of Lords, has been wasted on no cases of mere evidence;—such cases have been satisfactorily tried, or have been saved from the necessity of trial, by one or both of the parties discovering, when the matter in dispute was brought to a precise point by an issue, that there was nothing to try;—there has not been one moment's demur with any one jury;—there have not probably been above a dozen of new trials, and not half a dozen of successful bills of exception;—such progress has been made in the science of issues, that very few cases can now occur for which the right one, and this commonly a general one, is not prepared; and whatever inconveniences have occurred, have arisen from the novelty of the institution, and not from any thing essential to it.

It has perhaps not realized all the fancies of the visionary; and still less has it gratified the wishes of some who seem to have thought that it was to prove an exact remedy for each evil under which they or their causes were labouring, and who accordingly have never felt a rub without abusing jury trial. But

it has more than answered the expectations of all reasonable men. Accordingly, although there be a thousand different opinions as to the mode in which it should be continued, we now hear no opinion against the institution itself. On the contrary, there are some who think that we cannot have too much of a good thing, and who insist on extending it to sheriffs and to other inferior magistrates. When we look back to the year 1808, when the very idea of it raised a ferment that proved fatal to it for the occasion,—and to the year 1815, when it was at last only tolerated with a grudge, and was given with a niggardliness, which, if not relaxed, must soon have extinguished it;—and consider, that now it has so completely triumphed over all avowed or respectable opposition, that its friends think it safe in the Old Court, and the Old Court is anxious to receive it;—we see how good measures work their own way, and how necessary it is for intelligent governments not to be deterred by temporary clamour, but resolutely to do what is right, and to reap their reward in the result. We envy the feelings of the head of the court, to whom the conducting of this experiment has been chiefly intrusted; and who, on retiring, can survey such a termination of such labours. If that venerable and excellent person had even done no other good, he would still have done enough to entitle him to the gratitude of his country, as he has already earned the affection of the whole profession of the law, by the perfect example which he has always exhibited, and often amidst trying scenes, of judicial urbanity;—by his honest anxiety for the success of his court,—and, above all, by his earnest solicitude for the proper discharge of his own duties.

3. The raising of the salaries is no necessary part of these schemes; and, indeed, it has not yet been formally announced that they are to be raised. But it is certain that this is the grain of mustard-seed from which all these revolutions have grown; and if the judges be underpaid, the propriety of increasing their allowances is connected with these changes in justice. The result of the other measures will be greatly to increase the duties of the judges, and at the same time to throw loose funds out of which an addition may be made to their pay, and yet money saved to the public after all. The only question, therefore, is, whether their present pay be too low? There are some who settle this by saying, that a Scotch judge has little to do, and that their hire is ample enough to make it certain that the offices will never stand vacant. The first of these statements is not true;—the second is. If a Scotch judge does his duty, (which is the only case we talk of,) nobody acquainted with the facts can doubt that he has a laborious office even now; and he will have a much more laborious one hereafter. And it is obvious that their pay

is so inadequate, that men at the head of the Bar, whose services have been required as judges, have refused, or delayed, to quit their profession; and that such men often do not look towards the Bench till they begin to feel their hold of practice getting feeble. Nevertheless, candidates, and these not always very ill qualified, will certainly be found for the office, though the salary be not only not raised, but greatly lowered. Who doubts that Chief Justices and Lord High Chancellors, and all other public officers, decently fit for the situations, could be got at a half, or tenth part, of the prices that are now paid for them? There was a respectable Scotch clergyman, a few years ago, who offered to discharge the whole functions of the monarch for L.300 a-year, and to find good security for their due performance. The penny-saving statesman would have closed with him, because his principle is, that the cheapest thing is always the best. But this is an error. It is very often the worst. Our principle is, that if supreme judges are useless, they ought to be abolished;—but that, if there be a certain number of persons who, the state is of opinion, ought to be maintained *as supreme judges*, it ought to give them the means of so maintaining themselves.

Now, is the sum of L.2000 a-year—which is the pay of a puisne Scotch judge—sufficient to maintain him in due respectability? This is a mere matter of domestic arithmetic. It is the house-book that must decide it. Our views are very simple, and perhaps very vulgar, for they are merely these:—give a judge the fullest course of judicial existence,—put him on the Bench at forty, and keep him there till eighty,—and let him live as shabbily as a supreme judge ought to live,—with one house and no carriage,—only one wife, and no more than a competent number of children,—all lawful,—when he dies, he *must* leave his family unprovided for. If his judicial life shall last only fifteen or twenty years,—which is above the average,—he must leave them destitute. *We defy a single instance—or at least more than one—to be produced, in which the salary of a Scotch judge has, within the last forty years, enabled him to leave his family even moderately provided for.* Accordingly, it is notorious that a Scotch judge, who has had nothing but his salary, very rarely dies without its being felt a matter of public decency, to give a pension to his widow and children;—a degrading and dangerous corrective.

We do not deny that many a man eats and drinks well, and is warmly clad, every day, and then dies, and though never blessed with any thing like L.2000 a-year, leaves a large family in comfortable circumstances. But how did they live? If decent sustenance and accommodation, merely, be all that the public requires for the dignity of the judicial station, let this be announ-

ced, and L.500 a-year may be enough. But is it not rather the opinion of the public that a supreme judge should keep a carriage instead of trundling in a hackney coach? If duty or health require him to go to London, does the public feeling really prescribe, that he ought to be boxed up in the mail, and exposed to the many things he may hear in the traveller's room? Is it right that he should withdraw himself from secular interests, and look to his duties and their appointed reward alone? If these, and many similar points be rightly settled, it is needless to talk of L.2000. With the existing salary, there are degrading and dangerous practices which a Scotch judge is not only entitled to follow, but absolutely bound. However painful, they are his duty; and they must continue to be his duty, so long as the existing salary is not increased *by one third at the very least*. It has been asked, how they did thirty years ago, when they had much less than they have now? to which we answer,—1st, That it was perfectly notorious, and loudly and justly complained of, that they had a great deal too little then. 2dly, That the relative emoluments of professional men, and of public officers, have all increased in a much greater proportion since. Accordingly, the Scotch judges are in danger now, not at all because their case is groundless, but merely because it has been brought accidentally forward at an unlucky time. If their situation had been considered when that of the English judges was, nobody would have said a word against improving it. But the times happen to be sparing, and their claim, irresistible in itself, is therefore likely to be not only disregarded, but contemned.

As to the general measures, our greatest gratification, in observing such efforts to improve the administration of the law, arises from our conviction that they must tend to confirm the law itself. There are some to whom it will appear an odd sentiment, that there is any thing in the Law of Scotland worth confirming; for there has of late been a foolish disposition in certain quarters, to undervalue every thing connected with it. It is not very difficult to explain the cause of this feeling. It is the result of mere ignorance, and of that impatient disdain of every thing different from their own which distinguishes all men who have no standard for any thing except that which they happen to have been accustomed to. A matter connected with the Law of Scotland comes before Parliament. Of course, it is utter darkness and insignificance to English or Irish members. Our system of representation makes it impossible for Scotland to be always fully represented there; and the bar has never been represented at all. The situation of Scotland is, in this vital circumstance, completely different from that, not only of

England and of Ireland, but even of Wales. On legal matters these parts of the empire are directly in the hands of their own legal men. The bar forms one of the established powers and sources of information in Parliament. The Scotch bar does not; and it seems to have long been a contemptible fashion with many of our other members, to show by their conduct, and particularly by their silence, how much they were afraid of being detected knowing any thing about the peculiar circumstances of their own country. One consequence of this has been, that, instead of instantly getting safe views and information respecting our laws and institutions, Parliament, whenever any thing connected with these matters is brought before it, discovers, or imagines that it discovers, a mere struggle for some incomprehensible object. The case is called *Scotch*;—and after this there is an end of it. Or, if it be legal, it is left to be dealt with by the Lawyers. Those of England take the lead, because no Scotch counsel engaged in practice can be much in Parliament,—and because the English ones have naturally most influence. A matter of Scotch Law is necessarily a matter of mere mirth to an English Lawyer, who does not understand it, and would probably think himself degraded, if it were suspected that he cared for it. We do not always fare much better in the English courts;—even in those in which the law of Scotland is professed to be administered. We are often entirely, and always to a certain extent, in the hands of English counsel;—partly because it is impossible to have counsel from Scotland;—and partly because, even though they were present, it is not unreasonable for the parties to believe that an English Barrister will have more effect upon an English Judge. We have often had occasion to admire the talent and attention of English counsel in Scotch causes in the House of Lords; and if it be supposed that we are insensible of their merits, we are greatly misunderstood. But it is surely not imputing much to the practising lawyer of any country to say, that the terms and points in any other system of law must necessarily appear odd and unimportant to him. All tradesmen laugh at other tradesmen's tools and work. And this feeling once excited, nothing is more natural than that, even in the hands of able and conscientious men, sneers at the Court and at the law below, should sometimes supply the place of knowledge and argument.

Notwithstanding all this, we doubt if there be a single community in Europe where law has made greater progress than in Scotland;—we mean progress, not in technical subdivisions and details, but in all that constitutes the substantial usefulness of any system of practical jurisprudence. If it be the object of law to govern

the people in their various rights and transactions, by rules that are first *fixed*, so that they may know what they are; and are then *simple*, so that they may understand them; and, above all, are *rational*, so that, instead of merely restraining, they may guide and protect;—there is no country where, even taking all defects into view, these objects have been attained in a greater degree, than in Scotland. We are confident that no Montesquieu, Burke, or Bentham,—no general jurist,—sufficiently acquainted with the two systems to enable him to compare them, and viewing them both in an enlightened spirit, would, if he were consulted by a third nation, hesitate in saying to that nation, whether he would recommend the law of Scotland or of England for its adoption.

This proposition could only be supported adequately by a comparison of the various kindred points or principles on which the laws of the two countries differ. This is not the place for such a comparison. Nothing would be more useful for both than that their two systems should be clearly and calmly brought into contrast on the matters common to each. We have neither time nor knowledge for more than a few very general observations; and, in making these, we wish it to be understood that we intend to speak merely of the law which governs civil actions, exclusive of the public or criminal departments;—and that we intend these remarks, not as a full exposition of the grounds of our opinion, but rather as a mere protest against the tendencies to which we have alluded.

In judging of the progress made by the municipal law of Scotland, it must always be kept in view that this country has hitherto suffered, and still continues to suffer, from certain misfortunes, some of which have been nearly inseparable from its situation. The principal of these are the following. 1. The defective constitution which the Supreme Court was so long permitted to retain. 2. The want of juries;—the effects of which, in improving the law, are apt to be overlooked amidst the more popular considerations connected with that institution. 3. The want of the immediate presence of Parliament. This immediate presence maintains a direct connexion between Parliament and the Bar; and affords the only opportunity that can be safely allowed of discussing the conduct of judges and of courts with freedom and propriety. It detects abuses—excites observation—facilitates reform. It makes every judge, and every judicial officer, act in the view of a place where he must be aware that he may, within one hour, reap his greatest glory or his greatest shame. What would the courts of England have been, if they had been removed, for a century, four hundred miles from the House of

Commons? A Scotch Court knows that it is responsible to Parliament; an English one feels it.

There can be no better proof of the strong sense and justice which prevail in our law, than that it should have triumphed over these disadvantages. But, indeed, disorderly though the country was anciently, the growth of its jurisprudence was helped by many fortunate accidents.

It pleased the barons of England to reject the Roman law; and it is the fashion to praise them for having done so. They thought that they could not maintain their liberty otherwise; and if this was the case, they were right. But we are most thankful that no such necessity was imposed upon the barons of Scotland. At an age far beyond authentic history, the civil law percolated through the canon courts into every part of our system; and we can scarcely conceive a circumstance more fortunate for a people, than that, in the very dawning of their civilisation, they should have been led to adopt a code so deeply founded in natural equity, so applicable to so many transactions and relations, so beautifully unfolded, and so intimately connected with general philosophy and literature. Besides introducing a rational system of law, the collateral benefit arose, of connecting our lawyers and legislators with those of other countries. While the English, according to the image of Bacon, when speaking of goodness, were, by their exclusive addiction to their own ways, an 'island separated from other lands,' we were 'a continent that joined them.' A residence at the great continental schools of law, was, for centuries, an established part of the education, not only of professional lawyers, but of liberally educated gentlemen. Hence our laws may be said to have arisen under the tuition of all the jurists of Europe, who were appealed to, freely and familiarly, both in Parliament and in our courts. The minds of our own lawyers, moreover, were kept open. They were saved from that slavery to whatever is, which sometimes makes professional lawyers such miserable legislators, especially in matters of law. Technical forms, and pre-established follies, seem, in all ages, to have opposed legal improvements as sparingly in Scotland as in any kingdom in the world. The opposite charge, of an undue preference of novelty, has been oftener made against us, and perhaps with greater justice.

The disordered state of the country,—so unfavourable in general to any thing good,—compelled some of our kings, and many of our parliaments, to be vigorously wise, and to introduce laws which, being founded in obvious reason and necessity, took deep root, and have flourished ever since. Nothing is more cu-

rious or interesting than to see, amidst the rudest efforts at legislation, the first deposition of the seeds which have since produced, and are still producing, such valuable fruits. ‘*The brevity and propriety of speech*’ with which these laws were expressed, excited the well-known admiration of Bacon, who declares that he had ‘*read, and read with delight, the Scottish statutes, and some other collections of their laws.*’

In looking at the effect of a free judicial intercourse with other countries, we are far from disguising our obligations to England. On the contrary, we account for a due portion of the excellence we boast of, by tracing it from the south. Our connexion with that quarter by commerce, and through the House of Lords, has brought the laws of the respective kingdoms into salutary comparison, and has enabled us, on some subjects, to borrow almost in wholesale from our more experienced neighbours. We have thus had the good fortune to be placed in a situation in which we have been not only enabled, but tempted, to improve our own system, by extracting freely from what is good in theirs.

These long-continued opportunities have never been neglected. Scotland has long been fortunate in a succession of lawyers who seem never to have administered law, without thinking how they could improve it. These distinguished persons, instead of grudgingly admitting imperfections, have always eagerly detected them, and have brought great learning, great ability, and an unprejudiced spirit, to correct them. Few in this line have been more useful than some who, after being raised to the highest honours of the profession, have had activity to watch and describe the judicial proceedings of the courts in which they acted. Several judges have left works of this description, executed either after their authors had reached the Bench, or were on its pedestal. They have descended to posterity in the apparently humble character of Reporters; but no one can understand their Reports, without feeling what the law owes to the industry, the reasoning, and the unsparing fidelity, of the men, whose recording of each day’s work seems to have been the overflowing of their intense interest in each discussion,—whose keenness makes them represent every thing with dramatic effect,—and whose graphic journals so often explain the drama, by disclosing the secrets of the green room. The leading legal writers of Scotland have had a narrow public and a local theme. Had they had a larger sphere, they would have ranked,—not in merit alone, which they already do,—but in general European reputation, among the very highest of their class. This is not a place for even naming, far less describing them. But there are four,

extending over a long and important range of time, who cannot be passed over in silence:—Stair, whose great work was first published soon after the middle of the seventeenth century,—Professor Bell, whose *Commentaries* do honour to our day,—and Kames and Erskine, who flourished nearly about the middle of the interval between these extreme points.

Clearness and sense have not only given Erskine authority among lawyers, but have done infinitely more good, by diffusing a general knowledge of the rules and common language of the law among the public at large. Kames's merits, and his defects, are to be found in his questioning spirit, and speculative fancy;—qualities which render him far less safe than exciting—less sound in determining views than fertile in suggesting them—but had a powerful influence in testing maxims, in eliciting principles, and in reducing every thing from mere authority to what he thought reason. Considering its era, Lord Stair's work is an astonishing performance. He had not only to invent the plan of it, but to collect all its materials,—a task which required an intimate acquaintance both with the law of his own kingdom, and with the Roman, the canon, and the feudal systems. In this vast field, he had to proceed without any predecessor to guide or to warn, and when involved in all the public transactions of a dark age and distracted country. The result, nevertheless, is a complete Institute of the law, in all its principles and forms, so profound and circum-spect, that time has only increased its usefulness, and disclosed deeper excellences,—and delivered with such luminousness and simplicity, such dignified weight and brevity, that the reader feels as if he were listening to an oracle uttering his 'brief, sententious precepts' from some great judgment seat. In commenting upon Bankruptcy, Professor Bell has had the largest subject with which any one, treating of a single department, can engage; for, as Bankruptcy affects every right and interest, it necessarily touches the whole law. But he has touched it with reference to his main design,—the principles of which, in all their applications and details, he has traced with singular method and skill, fixing every point by positive authority, but never failing to point out defects and to suggest remedies, till at last he has had the rare honour of having, in his own day, and by his own labour, created the Mercantile Law of his native country. But even this is not his only achievement. His subject, in the liberal view in which he deals with it, led him to examine other commercial systems, and his page shines with all their lights; so that his work is full of matter worthy the notice of the lawyers of every country, and is only appreciated justly when it is consider-

ed as one of the greatest modern contributions to the science of general mercantile jurisprudence.

It is impossible to read these, or any of the other leading writers on any part of the law of Scotland, without admiring the independence with which they have all liberated themselves from the shackles of their trade, and the uniform anxiety which seems absolutely to guide their pens, not merely to announce what the law is, but to find out and to recommend what it ought to be. In doing this, it seems to have been their constant custom to look beyond the mere fence of their own system, into adjoining usages; and to reduce every thing to intelligible sense and practical usefulness. There are many things in law, of which the excellence consists merely in their being fixed; but wherever one thing is in itself better than another, our legal writers, in discussing it, have at least avoided what is said to be the common error of lawyers, that of mistaking a custom for a reason, a phrase for a principle.

The result may be judged of by a few examples, selected solely on the principle that they relate to matters intelligible to every body, and which have of late engaged much of the public attention.

Pauperism, Popular Education, and the Church, are the three subjects which, all over Europe, seem to have most effectually baffled the introduction of right laws for their regulation. The condition of England, in this respect, does not require to be stated. It is groaning under its popular ignorance—groaning under its poor—and groaning under its church. The people of Scotland groan under neither. The law educates the people; provides for the poor; and maintains a working clergy, without one single, idle, or superfluous, or overpaid clergyman. And all this is accomplished by ancient laws, which have long been operating so silently and easily, that it is only by hearing of the grievances of other places that our attention is called to our own blessings. The law of no country is to be utterly despised, which puts the means of knowledge within the reach of all the people, and saves them almost entirely from tithes, and as much from poor-rates as they choose.

The condition of *real property* in England has been recently explained in a report to Parliament. It seems to us to be so extraordinary, that it staggers one to comprehend how the law of any country could get into that state, or how it has worked, or been tolerated, so long. The Deeds, it seems, are countless, endless, and exceedingly complex; and, after all, do not give a legal title to the subject. We have heard a Lord High Chancellor declare, that there was scarcely a legal title to an estate in England. This defect seems to be remedied by a system of trusts, under

which every thing, if not actually in the stomach, is at least within the jaws, of that great leviathan, the Chancery. Then, there seems to be no way in which the exact condition of any piece of property can be known, except by getting and studying all the deeds which may have ever been executed respecting it. And, after all, a flaw once, seems to be nearly a flaw for ever : for time cures nothing, or little. These are things which make a Scotch lawyer stare. In his own country he finds none of them. All titles to real property are there strictly legal. They are constituted, in all their varieties, by a few well-known deeds of conveyance ; followed by a symbolical delivery of the subject. This act is set forth in a written instrument ; which instrument must be recorded in a public register within sixty days. This register contains a record not only of all transmissions of every fragment of real property, but of all the mortgages or other burdens by which it may be affected ; and it is kept in a manner that renders it as accessible as the pages, or the matter, of any ordinary book. It is the great exponent, and the great security, of all the land rights of the country, and has done its business as such, easily and effectually, for upwards of two hundred years. Instead, moreover, of leaving defects in titles to be taken advantage of at any given time, the law of Scotland obliges those who are not disqualified by minority or otherwise from protecting themselves, to bring forward their challenge within forty years, under the positive declaration, that if they do not, the person who shall have possessed for that period, upon a recorded title, shall be secure against all objections not contained in the body of the title itself. No better plan has probably ever been invented for the security of real property, than this combination of the law of registration with that of prescription. The deeds by which all this is accomplished are comparatively few ; and, though founded on feudal maxims and usages, they are as clear and coherent in their principles, as they are certain in their applications. Some of the feudal forms might now, perhaps, be conveniently spared, so as to simplify, without breaking up, the system ; and entails, against which a struggle has for some time been making, are an undoubted abomination. These will certainly not be endured much longer. But, with these exceptions, we know no material improvement that we could suggest.

The laws which regulate the *administration* of land, are as excellent as those which determine its title. Commons are liable to be divided among the adjoining proprietors, according to their interests, as established by grant or usage. All that is necessary

for this purpose is a simple application to the Court,—which any party interested may make. Small pieces of land that are intermixed are liable, in the same way, to undergo a more convenient allotment; and, instead of leaving contiguous estates exposed to each other's encroachments, or throwing the burden of fencing them upon one of the proprietors who may be reasonable, and giving the other the advantage, without contributing to the price, each of them may compel the other to concur in a measure necessarily beneficial to both. There are many other occasions on which the equitable adjustment of adjoining property may be judicially compelled. No tenant is secure beyond a single year, unless he has a written lease or some written title of possession. But, with this writing, followed by possession, he is as secure as his landlord. The lease commonly expresses the leading conditions to which the parties have agreed; and its silence is supplied, to a great extent, by the known conditions implied by law and usage. The landlord has the security of the crop for his rent; and thus, no tenant, whose character or circumstances are free from suspicion, requires to give any security but what the soil and his labour annually supply him with. There can be no better evidence of the practical excellence of this system, than that which is afforded by the unexampled advance which Scotland has made in the cultivation of her comparatively sterile soil. If Commissioners had been enquiring into the condition of our law of real property, we cannot say that (with the above exceptions) we know of any material change which they would have been likely to recommend.

Though there be countless minor differences in the law of *personal property* in the two countries, there is no repugnance so important and obvious as to be interesting, or perhaps very intelligible, to ordinary readers. Commerce, and the operation of the same necessity, have assimilated rules naturally flexible.

In the great department of the *bankrupt* law, however, which affects the distribution of property of every description, the systems that prevail in the two kingdoms, notwithstanding the tendency of many recent measures to unite them, are still marked by important dissimilarities. These are diminishing every day; because the sense and equity of the law of Scotland are making extensive conquests. It is impossible to describe the principles or limits of these triumphs here. They are minutely explained in the great work to which we have already referred, by Professor Bell, who has delineated them with his usual clearness and judgment. No lawyer or intelligent merchant can study any of the leading departments either of that book, or

law of bankruptcy, without per-
 have gleaned much from the rich
 its large experience has supplied
 the ample repayment in the models
 ed its legislators in reforming their
 the statute, for example, which limits
 of the commission of bankruptcy to two
 by which contingent creditors, instead of
 distribution, are allowed to rank contin-
 rupt estate;—the law which enables cre-
 their debtors by a composition, to which, if
 supported by a certain majority of number and
 rity must yield;—the humane and enlightened
 which bankrupts making a proper *cessio bonorum*
 the torture of unnecessary imprisonment;—these, and
 or improvements in the English law, have not only
 wed from the law of Scotland, but the fact has been
 y the authors of these changes. Thurlow, Loughbo-
 ldon, Romilly, Abbot, and many Parliamentary Com-
 is, have acknowledged their obligations in the course of
 reforms in commercial law, to the bankrupt law of this
 try. There are some absurdities that still require to be
 oved; such, for example, as the supposed incompatibility of
 oceedings against the person and against the property of the
 bankrupt at once, whereby a villain who is in jail may walk
 about rattling with gold, without his creditor having the power
 of touching it; and the feudal, or rather aristocratic, barbarism
 which saves lands from being attached for debt. Such abuses
 will probably be corrected at last; and when their correction
 is opposed, as certainly it will be, the example of Scotland will
 be again, we trust successfully, appealed to.

The laws with respect to the *rights of persons*,—those laws,
 namely, which regulate the *conjugal* relation; the *filial*; that of
master and servant; *guardian and ward*—and such like, seem to
 accomplish their objects satisfactorily in both countries. There
 are two points, however, on which our policy is often impeached;
 but on grounds which cannot appear even plausible to any eye
 not perverted by the long and exclusive use of the English lens.

It is said, that we have a barbarous *law of libel*. The great
 object of any law of libel, in so far as individuals are concerned,
 (which is the only case we are talking of,) is to afford reparation
 for injury sustained through defamatory statement; and, there-
 fore, it would seem, that wherever injury is alleged to have been
 sustained through defamation, the reality both of the injury and
 of the defamation ought to be determined, like any other facts,

by the jury. But the law of England declares, 1st, That when an alleged libeller is proceeded against *criminally*, he shall not be allowed to prove that what he stated was true, although it be impossible for any man to avoid feeling that the truth or the falsehood of the statement, though it may not always determine his innocence, always tends at least to mitigate his guilt. Being thus unfair against the accused in one situation, that law corrects this, by being unfair in his favour in another. For it declares, 2dly, That it is possible for one man utterly to blast and extinguish another by a false statement so injurious that it may lead to his instant expulsion from society; and that, nevertheless, the author of this wrong may defend himself by simply saying, when he is arraigned *civilly*, that he charged his victim with nothing that is *legally a crime*. The defences that have been made of the English rules, and the devices and exceptions that have been invented to conceal and limit their practical operation, are among the most curious specimens of the darkness in which a technical man may crawl, while the rest of the world is walking in the blaze of day.

The law of Scotland is deformed by none of these things. The criminal law does not positively refuse to punish the robber of reputation any more than the robber of property. But when private individuals alone are concerned, it is thought in practice that every man is the best guardian of his own character; and when he is attacked, the general course that he follows is to seek for civil reparation by a proceeding at his own instance. He cannot ask a Court, however, to judge between him and his assailant, without, by that very act, allowing the jury to take the truth of the statement into view, at least, as an extenuation. But, on the other hand, if he has suffered, even in his feelings, by false slander, it will be no protection, before that jury, for the libeller to say, that though his falsehood has ruined his victim, this is because the world is wrong; and that the law does not condemn the act he charged him with. Of course, there are many subsidiary rules and exceptions, whereby the province of the judge is saved from encroachment; but this is the foundation of the system. And it is a system in the soundness of which we have the greatest confidence, from perceiving two facts: one, that nothing seems to be less satisfactory to the people of England than the English law of libel; the other, that the improvements which enlightened men have recommended for it, all proceed to the adoption of principles which, in substance, are our own.

Our law of *marriage* is objected to also. The objections, shortly expressed, are, that a Scotchman first gets a wife too

easily, and that he then gets too easily quit of her. That is, that our rules are defective, both in respect to the constitution, and with respect to the dissolution, of the conjugal relation. Considering that our system is founded on the principles of the civil law, modified in its application to Christian countries by the canon ; that, therefore, it has strong analogies in the law of every kingdom in Europe; and that it bore a particular resemblance even to the law of England before the Marriage Act; it would be somewhat extraordinary if these defects really existed.

The marriage law of England, though it may be excellent for the people there, is marked to others by some things calculated to startle one who considers this as the relation which, of all others, ought to be most directly founded upon the obvious principles of human nature. Thus the relation can only be contracted, under the law of England, by complying strictly with certain religious ceremonies. In so much, that parents may rear families, and crown them with public honours, and die, and may then be discovered to have passed their days in concubinage, and in nourishing bastards, merely because all the world was mistaken in supposing a priest to have been ordained, or a chapel to have been licensed. And this literal compliance with the forms of the church is enforced, under the same penalty of nullity, even against those whom the law tolerates in dissenting from that religion. Yet, if any parties choose to go, but for a single hour, beyond the local territory of England, a marriage contracted there, in contempt of all English ceremonies, though an avowed fraud of the English law, seems to be recognised in the English Courts. When the relation is once contracted, it is said to be indissoluble. Yet, if the fidelity which is essential towards the fulfilment of the contract, be violated by one of the parties, a separation may be obtained from bed and board. It would seem to a practical person, that if a man and woman were legally severed from dining or sleeping together, they could scarcely be called husband and wife. But, in England, though adultery may have divided them, and divided them legally, from that society which is the sole object of the institution of marriage, still they are married persons. This again is corrected, however, in spite of the pretended indissolubility, by letting them be divorced by Act of Parliament. But this remedy has all the defects that a remedy for such a thing can have. It is never obtained as a matter of right; it is fettered;—it is unequal. It must be preceded by damages obtained in a court of justice;—that is, it depends on the accidents of another suit;—and, even after this, it is given to only one of the parties;—the remedial



justice of Parliament being, in all cases, denied to the female, however innocent. To attempt to reconcile or vindicate all this by saying, that separation is not divorce, and that what is only got by a statute is not got by the law, but against it—is to attempt to mislead us by mere words. It is not the *form* of the thing, or the technical ground on which it may be put, that must ever seem odd to strangers, but the thing itself. Whatever machinery is put in motion to effect the result, the result itself, in the *practical administration* of the law of husband and wife, is distinguished by the preceding peculiarities.

The notion of the law of Scotland is, that the essence of marriage consists in the agreement to marry; and that although it may be politic to punish all expressions of this agreement which do not take place according to the forms of the public law and religion, it leads to nothing but distress and villainy to make *the nullity of the contract* one of the consequences of marrying irregularly. The great thing, in this as in other contracts, is to ascertain whether people really made up their minds to marry. There are delicate tests for fixing this, but the general fact to be fixed is the intention of the alleged contractors. And this being once established, nothing so frightful is tolerated as that the original understanding, and all the consequences of the most solemn, honourable, and long-continued union must be disregarded, merely because there was an unconscious omission of some part of the state ceremony. Mutual fidelity being implied in the contract, if one of the parties proves false, the other, without distinction of sex, is entitled to the natural remedy of divorce; and this from a court of law, as a matter of right, in all cases whatever. This leads to no over easy contraction, and to no over easy dissolution, of marriages. These principles are so perfectly agreeable to nature, that there is no important relation which the people of Scotland contract so safely, or have so little dispute about, as that of marriage. If it be supposed that their law is not favourable to morality, we ask, where are the conjugal or parental ties more sacred? The truth is, that they never hear a doubt about their law of marriage, except when an English couple raise up an extraordinary case, by making Scotland the scene for evading the laws of their own country. If the law of England would be firm to its professed principles, and recognise no marriages made in palpable defraud of its rules by its own subjects, we should never hear a word about the pretended defects of the law of Scotland.

The improvements which have of late been made in our forms of *administering* civil justice, show that we were not perfect in this department. But, though we admit the necessity of these

improvements, and even concur in the propriety of still further changes, it is a great error to suppose that *the general system* of our courts, or of our forms, is, or ever was, intrinsically wrong. Those, on the contrary, who know the facts best, hold the chief benefit of the recent changes to be, that they imply an approximation to what was really our ancient condition.

The general plan of the Scots courts is, 1st, That there are adequate inferior tribunals, chiefly the Sheriff Courts, in every county; 2dly, That there is a Supreme Court, into which almost all causes can be brought in the first instance, and which reviews and superintends all the inferior judicatories; 3dly, That this Supreme Court combines the jurisdiction both of a court of law and of a court of equity. The practical result of this is, that for causes which parties may choose to consider as trifling, there are inferior and responsible Courts always open; and that, whenever they choose to come before the highest tribunal, either as an original court, or as a court of review, they have one armed with adequate powers. The Sheriffs-Depute must all be members of the bar; and never did any country owe more to any subordinate judicial institution, than Scotland has long done to these admirable local jurisdictions, which not only perform their own business in general excellently, but operate as an example and a check for all the other inferior courts. We do not rightly understand the machinery of the provincial courts of England; but the yearly proceedings of Parliament show that they do not operate satisfactorily; and, so far as we can penetrate, this seems chiefly to be owing to the want of fixed local courts, conducted by paid and responsible *individual* judges.

Two changes have sometimes been suggested on the Scotch inferior Courts, both of which would be pernicious. One of them is, that each Sheriff should be required to live constantly within his county;—a plausible, but most fallacious idea. They can, in general, be at their posts in a few hours, and always in a couple of days; and half their usefulness consists in their residing there only occasionally, and living in the legal atmosphere of the capital generally. Their permanent residence in their counties should not only not be required, but it should be prohibited. Their heads get stuffed with prejudices, and emptied of law. The permanent residence of their Substitutes is quite sufficient for all summary emergencies. The other scheme is, that our Justices of the Peace should get more business to perform, both in quantity and quality; and, in particular, that they should be allowed to exercise jurisdiction over a higher class of civil causes; for which purpose it has been further proposed, that they should be assisted by a jury, and a learned chairman. No one can sug-

gest or defend this scheme, without testifying his ignorance of Scotland. For the purposes of civil justice, Justices of the Peace are, in theory and in practice, the worst judges possible. Long practice,—the experience acquired by inundations of cases,—the presence of counsel, and there being no Substitutes, may make the system work tolerably in England. But there are no circumstances to generate Justices, as important municipal judges, in Scotland; where, accordingly, they are not required in that character, and would be loathed. A narrow country, with strong local partialities, and little provincial litigation, with a Sheriff Court at every door, and an accessible Supreme Court, is not the place for extending the civil jurisdiction of Justices.

It is to the equitable jurisdiction of the Supreme Court that we owe perhaps the best parts of our law. Indeed, the result, under this Court, may be considered as a practical solution of the problem that has been sometimes stated, whether equitable and legal jurisdiction should be disjoined. We do not recollect of any one of our native legal reformers having ever been sufficiently lunatic to propose that there should be a Court of Chancery in Scotland. Our brethren of the south will probably think that the want of it is the only thing good in our whole system.

The defects in the English modes of *getting into court, and of pleading* after the parties are there, have been fully expounded of late, in Parliament, and by the press. It is a subject which makes one giddy to look at it. If a congress were to be held of enlightened judges, and jurists, and formalists, of all countries, with a view to settle the most perfect system of judicial procedure, they would probably not agree in the entire adoption of any one yet realized as the best; but, most unquestionably, they would concur in avoiding that of England, in its present condition, as the worst. They would see in it incredible intricacy, empirical inventions, circuitous remedies, unintelligible fictions;—a dizzying maze, calculated apparently for no purpose but to secure monopoly, or to wrap justice in mystery. This is that special pleading which was termed by one of its old practitioners, ‘a divine science!’ Justice being meant for this world, we are much better pleased, that in our forms, we in Scotland are of the earth earthy.

In a Scotch tribunal, whether high or low, whoever the parties, or whatever the subject in dispute, may be, the defendant is brought into court by a writ, called either a summons, or petition, but in substance the same, which, besides requiring his attendance, tells him, in plain and intelligible words, what is wanted of him, and why it is wanted. And he may be brought

into court although there may be no claim against him presently exigible, but merely to have the rights of the parties judicially, though prospectively, declared. He defends himself by a written statement, equally short and plain. After this, each party is obliged to make a real, and not a nominal, disclosure of all his material facts and views, with such a production of, or such a reference to, his written evidence, that it can in general only be owing to negligence, or stupidity, that each of them is not as completely aware of the other's case as any human invention could make them. And should they even wish to subject each other to judicial examination, this can be obtained, if the court approves, not in the cumbrous and evasive form of written interrogatories, and absent written answers, but by direct personal questioning. All this may be conducted in any words that are intelligible, and therefore (as will always happen where the science is not made too divine) it is so little darkened by technical jargon, that it may be understood by any body; and, from first to last, there is not the vestige of a fiction. If, besides calling the defendant into Court, the plaintiff wish for security during the dependence of the suit, he has it, (but always under the control of the Court,) of every description. By one simple form, he can attach the real property in security; by another, he can attach the personal property; and, by a third, he can restrain the debtor personally from leaving the country. Let any one read the late Parliamentary Reports and Debates, under the recollection that this complete *simplicity, directness, security, and previous disclosure*, has been realized at his elbow, and he will then be qualified to appreciate the great principles of the Scottish system.

This system, as might have been expected, has, both in its law and in its administration, given as entire satisfaction to the people it is intended for, as any thing old has given to any portion of the public in modern times. There has no doubt been a great, and repeated, and most just call, for reform; but it has always been *reform*, and not destruction, that has been required. Any dissatisfaction that may have been expressed in England, is not in itself of much weight, because the chief object is that the law shall be agreeable to those it rules; and such dissatisfaction has plainly arisen from causes for which the law of Scotland is not responsible. The original sin of not being English, is not its fault; and it is only blamed for being Scotch, in consequence of a few occasional cases in which the law of England feels it solely by collision. An English pair cheat the law of England by a Gretna Green marriage, and then, instead of simply holding the cheats not to be married, there is an outcry

against the law of Scotland ! Whatever dissatisfaction has been evinced in Scotland, has arisen from two causes. *First*, from judges not being always appointed on purely judicial grounds. Perhaps more than one-half of all the corrections we have been obliged to undergo, has been owing to this one cause ; and if this error be not corrected, all other remedies must prove vain. *Secondly*, from the reform of abuses or defects being too long resisted. But though reform became at last indispensable, its being called for was no proof that the country was dissatisfied with its great judicial landmarks, but exactly the reverse. Deducting a few ingenious persons, who have proceeded as if the only way in which they could evince their elevation above prejudice, was by showing how many changes they could make, the great mass of the intelligence of Scotland has adhered to the general fabric of our civil laws and institutions, with a confidence which is the best proof of their merit. Amidst all the speculations that have been invited or provoked, about legal forms, we cannot discover one, and certainly no respectable one, in which any thing has been proposed inconsistent with the preservation of the body of our law.

The only thing that disturbs us is some results that are produced by, and we are afraid are inseparable from, the appeal to the House of Lords. This appeal is in itself not merely expedient, but absolutely necessary. It corrects error ; it excites attention ; it checks carelessness ; it exposes extravagance. Probably no part of the empire could do without it, and certainly Scotland could not. Accordingly, among all the persons who were examined by the Commission of 1823, and amidst all the host of opinions that were then given, there was no dissentient voice upon the subject. But nothing is perfect. The House of Lords, instead of being a scene for the review of great and difficult legal questions, which is its proper judicial purpose, has become, and will probably become still more so, a mere branch of the Court of Session, into which every case, however clear or trifling, is drawn. If this merely wasted the time of that House, or the money of unreasonable litigants, we should care less for it. But there are some misfortunes connected with this privilege, which have sometimes staggered even our strong faith in its being indispensable.

1. It is necessarily attended with great delay and expense. There are many cases in which the necessity of submitting to error is not a greater evil than that of getting it corrected by an appeal to a distant Court. As things are, no final judicial error committed in Scotland can be reviewed, except by an applica-

tion to the justice, and an intolerable consumption of the time, of the House of Lords.

2. Although Scotch causes be considered in the House of Lords with a degree of profound and anxious attention, which is of itself, by its example, a great blessing, how often has it happened that judgments have been pronounced plainly repugnant to the law of Scotland? This question (for we put it merely as such) could only be answered by a careful examination of a long train of cases. Nothing could be more useful than such a candid survey of what the law of Scotland has gained, or has lost, by judgments in the House of Lords. Notwithstanding what we owe to that House indirectly, we are afraid that the result of such a retrospect is extremely problematical. And it is little or no detraction from the merits of any such Court, that it should occasionally err in its review of foreign law. The influence of feelings native to the judge, is nearly irresistible. Even though this only led to a few bad judgments, whether of reversal or of affirmance, it would be a misfortune, especially as judicial errors are always pernicious in proportion to the height of the place they proceed from. But,

3. The very subjection to review before foreign lawyers, has a strong tendency to lower the Court appealed from in the eyes of the country. Where this arises from bad decision in the Court below, it is right that it should suffer all that the correction of the decision implies. But where the affirmance is wrong, the rashness of the inferior Court is encouraged; and where the reversal is wrong, the weight of that Court is unjustly diminished. Lawyers may be able to appreciate judgments;—but the world at large is not. The world, therefore, looks merely to the result; and it gets that result, accompanied by any remarks which may have been used on the bench, or at the bar; which remarks must always be more efficacious when they are the last that the public hears. If a right of appeal were to be introduced from the King's Bench to the Court of Session, the confidence which even the English public has in the former, would not only be diminished in point of fact, but justly; because, all that it would know, would be, that so many of its judgments were reversed by the Court which the state had set up for their revision. They might get a deal of bad English law; but this bad law might be supported by plausible reasons enough; and, although their Court might growl, still so long as it was obliged to submit, and we had the last word, we would ultimately carry the public along with us. No one who has observed the effect of the appeal to the House of Lords, can have failed to perceive what a trial foreign review must always

expose any Court to, even when the Court appealed from is unquestionably right. The intervention of judges, who are strangers to the law they are reviewing, must always tend to shake the confidence of the people in their own tribunals; and, accordingly, it is notorious that appeals are habitually taken, even when there is no specific or sincere objection to the original judgment, merely for the sake of the chance. This, indeed, is the true source of at least one half of all the appeals that are taken.

Notwithstanding this, we do not point at any thing like an abridgement of the right of appeal. Such a measure might not be very hazardous to our law, but it might be fatal to our justice. But we are anxious about some checks which are calculated to diminish the bad incidents of this good thing. In particular, we apprehend, that the scheme of an intermediate Court of Appeal, which formed a part of the plan of the government of 1806, and would certainly have been realised, if that government had not been overturned, deserves the most serious reconsideration. The measure of that day was connected with various party views and personal objects, which are now forgotten, and was not brought forward in the shape most likely to secure either its success or popularity. But the strongest objections that were urged against it, were all founded on the constitution of the Court, and not on the principle of the plan. And no doubt, the manner in which such a court could, or should, be framed, is probably a more difficult question, than the expediency of having it; and, in considering the subject, these points ought always to be kept separate. We say nothing of the structure of the tribunal, except that, if the Lord Chief Baron be made a part of it, as he should, we see no necessity for the creation and introduction into it of a new judge, as was formerly proposed; and that, with this exception, the Court of Review might be what Lord Grenville called "an emanation" from the Court of Session. With respect to the scheme itself, it is some recommendation of it, that no less a person than Lord Grenville was decided in its favour;—that it was approved of by the Faculty of Advocates;—and that it is agreeable to the analogy of England. The reasons for it, independently of authority, are to be found in the tendency of an interposed jurisdiction to alleviate the evils otherwise inseparable from any system of direct and immediate appeal to the House of Lords. The obvious objections to it are, the multiplication of courts,—the increase of expense to the suitors, who are obliged to go to the House of Lords at last; the tendency of any local Court of review to become a mere chamber of the Court of Session, and to require itself the corrective it is intended to administer; and the ineffi-

ciency of any thing short of the very highest tribunal in the kingdom to impose due restraint on the Courts whose fallibility occasions the necessity for such means of checking it. These objections are all well founded; and, if not counterbalanced, are conclusive. But, are they not counterbalanced by the following advantages?

1. The preserving of the law, and the securing of consistency of judgment in the two divisions of the Court of Session, by having one standard, common and superior to them both. Nothing is more awkward or imperfect than the existing remedy, which consists in an occasional revival of the old Court, by a junction of its two departments. It is a remedy much resorted to by the House of Lords in its distress, because it is the only one that exists; but surely it would be better to prevent cases emerging there, unless they got up with all the law on their heads that the Court below could give them. 2. The maintaining the dignity and authority of the local institutions, by increasing the weight of their judgments, before the Court above could touch them. 3. The diminishing of appeals to the House of Lords, by rendering them more hopeless; and thus compensating, by a saving of costs upon the whole, for the additional expense laid upon those who will litigate to the last stage. These reasons are possibly insufficient; but undoubtedly a measure which has the precedent of England *for checking the same evil*, and was very nearly introduced here a few years ago, is at least deserving of grave consideration. If no appeal can be taken at once from the King's Bench or Common Pleas to the House of Lords, but every error committed by these courts has a chance of being corrected by an intermediate review, till at last it only reaches the Court of the last resort, with the importance implied in great interests, and the authority derived from the combined learning of all the judges;—why should it be competent to every Scotch litigant to fly to the House of Lords direct, whenever he fancies he has caught any division of the Court of Session at an advantage, or has a case in which he thinks it not hopeless to speculate on the contingencies of a foreign tribunal?

If the present system is to continue, we would suggest, 1st, That there should be a correction of those strange rules by which the necessary costs of an appeal are now given;—the effect of which is, that groundless appeals are encouraged, and that, when they are well founded, justice cannot be obtained, except at a loss. 2dly, That causes shall be heard at such a season, and so continuously, that it is possible for Scotch counsel to attend. Nothing can exceed the talent or learning of the English bar. But law cannot be learned by instinct;

and an able man may make a clever speech, and yet leave it obvious to those familiar with the subject, that he has never come near the right feeling of it. 3dly, And above all, that due care be taken to provide an adequate judge for the court of review. The general idea has always been, that this individual shall be the Chancellor. The very fact of a person attaining that station, is a tolerable security that he must have a right judicial head. The reversals of such a man correct, while his affirmances support, the courts below. But all devices and arrangements, by which Scotch causes may be given over, as trash, to any inferior hand that can be found willing to engage with them, are dangerous. They not only injure the law, and defeat justice, but they increase the very evil of intolerable appeals, which these temporary schemes are generally intended to check. There is no device for increasing appeals, so certain of success, as that of multiplying the accidents on which their results depend.

There is one thing more which we earnestly hope. It is, that after the projected measures shall come into operation, we shall be let alone. Every thing that will be then done will have been right. But it will have been obtained at a fearful risk. For the last twenty-five years, we have scarcely ever had a breathing time of one year, and certainly never of three. The Scotch Courts have been set up as a target, at which every reformer has been invited to let fly his speculation.* No wonder

* Nothing can show the effects of unsettling people's minds on such subjects more strongly than the wild projects which, even in this eleventh hour, men have been at the pains to invent and to print. One gentleman is for reuniting the courts, and for never letting the judges of the Court of Session employ juries. Yet he is fond of jury trial. Then he is for abolishing the Jury Court; which being done, he is for instantly restoring it—only calling it the Exchequer. Another thinks that it is a fit season for dispensing with the institution of counsel; whose duties he proposes shall be performed by the agent. A third is of opinion that the supreme court is scarcely necessary, as the whole law might be administered by juries, directed by resident sheriffs. A fourth recommends throwing open the Scotch bar to English counsel, who, however, are never to get up to the bench; while a fifth rather thinks that we should transplant a few full-grown foreign judges at once. Against which it has been suggested by a sixth, (though this is certainly more deserving of attention,) that that assimilation of laws which is said to be so desirable, would be best effected by placing a few Scotch judges on the bench of England. Each of these schemes has found an honest and ardent patron. Our courts and our law have hitherto survived these 'Hydras, and Gorgons, and Chimæras dire!'

that they have been pierced by a thousand arrows,—some of them poisoned. Parliamentary Reports, Resolutions of Public Bodies, Statutes, Pamphlets, Acts of Court,—have been hurtling in the air. No mortal institution can stand such an ordeal. Nothing remains to be done but that, in the appointment of judges, Government should act on the principles which have lately done it so much honour ;—and that time should be given to the system to work itself pure. The new Court of Appeal excepted, we know no other judicial reform that we look for. In a few years, the fog will be cleared away, and we shall be able to see where we are. Those who fret at every form that touches their particular case, will be taught that there are some things in courts that are fixed ; and that a rule may be quite right, though it happens neither to suit the interest nor the theory which they may be advocating at the moment. The Supreme Court and its members, freed from the fever of constant change, will be enabled to do their work firmly, and to bring the excellent law which they practise to still greater maturity.

Of the success of their career, when thus liberated, and acting in the view of a public of increasing intelligence, and now thoroughly instructed on judicial subjects, we can entertain no doubt. For the Bench of Scotland contains bright names ;—men under whom the duty of carrying judicial reformation into practice has as favourable a prospect as devotion to the cause, and great legal accomplishment, can ever give it. The Bar, besides professional learning and talent, is as splendidly adorned by general literature and by public virtue as any Bar upon earth. Criticisms have been made on the manner of both. We cannot venture to say how far either the censure or the praise of these criticisms is just. Probably both, at times. They must not be judged of merely by a standard taken from the accidental fashion or custom of any other place ; but by their approximation to, or recession from, the things that form the universal excellences of the judicial manner. In a well-regulated place of justice, the courtroom is orderly and noiseless. The bench attends ;—or appears to do so. When it does not, the failure neither proceeds from indifference nor from impatience. There is much consultation before judgment ;—little conversation during debate. The judges recollect, that the vices of counsel must always be generated by themselves ; because they are only practised from their supposed influence with the bench, and from seeing that the opposite virtues fail. The bar venerates good taste,—the only corrective of the defects naturally connected with the exercise of that profession. It therefore grudges the laurels that are sometimes be-

stowed by the ignorant on certain vulgar qualities, such as pertinacity or vehemence, which, though they may accompany success, can never, in a right court, be the cause of it. On ordinary occasions, when there is no call for a higher flight, it appreciates brevity, calmness, and sense; virtues so essential amidst the bustle and distraction of legal war, that their presence renders even honesty more powerful, while their absence makes learning useless. To both bench and bar, in Scotland and everywhere else, we strongly recommend the attentive and repeated study of Bacon's little *Essay* (scarcely three pages) on 'Judicature.' It is a discourse which ought not merely to be suspended over the gate, but engraven on the heart, of every court of justice.

ART. VI.—*Cloudesley; a Tale.* By the Author of Caleb Williams. 3 vols. 8vo. London. 1830.

WE find little of the author of Caleb Williams in the present work, except the name in the title-page. Either we are changed, or Mr Godwin is changed, since he wrote that masterly performance. We remember the first time of reading it well, though now long ago. In addition to the singularity and surprise occasioned by seeing a romance written by a philosopher and politician, what a quickening of the pulse,—what an interest in the progress of the story,—what an eager curiosity in divining the future,—what an individuality and contrast in the characters,—what an elevation and what a fall was that of Falkland;—how we felt for his blighted hopes, his remorse, and despair, and took part with Caleb Williams as his ordinary and unformed sentiments are brought out, and rendered more and more acute by the force of circumstances, till hurried on by an increasing and incontrollable impulse, he turns upon his proud benefactor and unrelenting persecutor, and in a mortal struggle, overthrows him on the vantage-ground of humanity and justice! There is not a moment's pause in the action or sentiments: the breath is suspended, the faculties wound up to the highest pitch, as we read. Page after page is greedily devoured. There is no laying down the book till we come to the end; and even then the words still ring in our ears, nor do the mental apparitions ever pass away from the eye of memory. Few books have made a greater impression than Caleb Williams on its first appearance.

It was read, admired, parodied, dramatised. All parties joined in its praise. Those (not a few) who at the time favoured Mr Godwin's political principles, hailed it as a new triumph of his powers, and as a proof that the stoicism of the doctrines he inculcated did not arise from any defect of warmth or enthusiasm of feeling, and that his abstract speculations were grounded in, and sanctioned by, an intimate knowledge of, and rare felicity in, developing the actual vicissitudes of human life. On the other hand, his enemies, or those who looked with a mixture of dislike and fear at the system of ethics advanced in the *Enquiry concerning Political Justice*, were disposed to forgive the author's paradoxes for the truth of imitation with which he had depicted prevailing passions, and were glad to have something in which they could sympathize with a man of no mean capacity or attainments. At any rate, it was a new and startling event in literary history for a metaphysician to write a popular romance. The thing took, as all displays of unforeseen talent do with the public. Mr Godwin was thought a man of very powerful and versatile genius; and in him the understanding and the imagination reflected a mutual and dazzling light upon each other. His *St Leon* did not lessen the wonder, nor the public admiration of him, or rather 'seemed like another 'morn risen on mid-noon.' But from that time he has done nothing of superlative merit. He has imitated himself, and not well. He has changed the glittering spear, which always detected truth or novelty, for a leaden foil. We cannot say of his last work (*Cloudesley*),—'Even in his ashes live his wonted 'fires.' The story is cast indeed something in the same moulds as *Caleb Williams*; but they are not filled and running over with molten passion, or with scalding tears. The situations and characters, though forced and extreme, are without effect from the want of juxtaposition and collision. *Cloudesley* (the elder) is like *Caleb Williams*, a person of low origin, and rebels against his patron and employer; but he remains a characterless, passive, inefficient agent to the last,—forming his plans and resolutions at a distance,—not whirled from expedient to expedient, nor driven from one sleepless hiding-place to another; and his lordly and conscience-stricken accomplice (*Danvers*) keeps his state in like manner, brooding over his guilt and remorse in solitude, with scarce an object or effort to vary the round of his reflections,—a lengthened paraphrase of grief. The only dramatic incidents in the course of the narrative are, the sudden metamorphosis of the Florentine Count *Camaldoli* into the robber *St Elmo*, and the unexpected and opportune arrival of Lord *Danvers* in person,

with a coach and four and liveries, at Naples, just in time to save his ill-treated nephew from a violent death. The rest is a well-written essay, or theme, composed as an exercise to gain a mastery of style and topics.

There is, indeed, no falling off in point of style or command of language in the work before us. Cloudesley is better written than Caleb Williams. The expression is everywhere terse, vigorous, elegant :—a polished mirror without a wrinkle. But the spirit of the execution is lost in the inertness of the subject-matter. There is a dearth of invention, a want of character and grouping. There are clouds of reflections without any new occasion to call them forth ;—an expanded flow of words without a single pointed remark. A want of acuteness and originality is not a fault that is generally chargeable upon our author's writings. Nor do we lay the blame upon him now, but upon circumstances. Had Mr Godwin been bred a monk, and lived in the good old times, he would assuredly either have been burnt as a free-thinker, or have been rewarded with a mitre, for a tenth part of the learning and talent he has displayed. He might have reposed on a rich benefice, and the reputation he had earned, enjoying the *otium cum dignitate*, or at most relieving his official cares by revising successive editions of his former productions, and enshrining them in cases of sandal-wood and crimson velvet in some cloistered hall or princely library. He might then have courted

——— ‘retired leisure,
That in trim gardens takes its pleasure,’—

have seen his peaches ripen in the sun ; and, smiling secure on fortune and on fame, have repeated with complacency the motto—*Horas non numero nisi serenas* ! But an author by profession knows nothing of all this. His is only ‘the iron rod, the torturing hour.’ He lies ‘stretched upon the rack of restless ecstasy :’ he runs the everlasting gauntlet of public opinion. He must write on, and if he had the strength of Hercules and the wit of Mercury, he must in the end write himself down :

‘And like a gallant horse, fallen in first rank,
Lies there for pavement to the abject rear,
O’er-run and trampled on.’

He cannot let well done alone. He cannot take his stand on what he has already achieved, and say, Let it be a durable monument to me and mine, and a covenant between me and the world for ever ! He is called upon for perpetual new exertions, and urged forward by ever-craving necessities. The *wolf* must be kept from the door : the *printer's devil* must not go empty-

handed away. He makes a second attempt, and though equal perhaps to the first, because it does not excite the same surprise, it falls tame and flat on the public mind. If he pursues the real bent of his genius, he is thought to grow dull and monotonous; or if he varies his style, and tries to cater for the capricious appetite of the town, he either escapes by miracle or breaks down that way, amidst the shout of the multitude and the condolence of friends, to see the idol of the moment pushed from its pedestal, and reduced to its proper level. There is only one living writer who can pass through this ordeal; and if he had barely written half what he has done, his reputation would have been none the less. His inexhaustible facility makes the willing world believe there is not much in it. Still, there is no alternative. Popularity, like one of the Danaides, imposes impossible tasks on her votary,—to pour water into sieves, to reap the wind. If he does nothing, he is forgotten; if he attempts more than he can perform, he gets laughed at for his pains. He is impelled by circumstances to fresh sacrifices of time, of labour, and of self-respect; parts with well-earned fame for a newspaper puff, and sells his birth-right for a mess of pottage. In the meanwhile, the public wonder why an author writes so badly and so much. With all his efforts, he builds no house, leaves no inheritance, lives from hand to mouth, and, though condemned to daily drudgery for a precarious subsistence, is expected to produce none but works of first-rate genius. No; learning unconsecrated, unincorporated, unendowed, is no match for the importunate demands and thoughtless ingratitude of the reading public.

——— ‘O, let not virtue seek
Remuneration for the thing it was !
To have done, is to hang,
Quite out of fashion, like a rusty mail
In monumental mockery;—
That all, with one consent, praise new-born gaudes,
Though they are made and moulded of things past;
And give to dust, that is a little gilt,
More laud than gilt o’er-dusted.’

If we wished to please Mr Godwin, we should say that his last work was his best; but we cannot do this in justice to him or to ourselves. Its greatest fault is, that (as Mr Bayes would have declared) there is nothing ‘to elevate and surprise’ in it. There is a story, to be sure, but you know it all beforehand, just as well as after having read the book. It is like those long straight roads that travellers complain of on the Continent, where you see from one end of your day’s journey to the other, and

carry the same prospect with you, like a map in your hand, the whole way. Mr Godwin has laid no ambuscade for the unwary reader—no picturesque group greets the eye as you pass on—no sudden turn at an angle places you on the giddy verge of a precipice. Nevertheless, our author's courage never flags. Mr Godwin is an eminent rhetorician; and he shows it in this, that he expatiates, discusses, amplifies, with equal fervour, and unabated ingenuity, on the merest accidents of the way-side, or common-places of human life. Thus, for instance, if a youth of eleven or twelve years of age is introduced upon the carpet, the author sets himself to show, with a laudable candour and communicativeness, what the peculiar features of that period of life are, and 'takes an inventory' of all the particulars,—such as sparkling eyes, roses in the cheeks, a smooth forehead, flaxen locks, elasticity of limb, lively animal spirits, and all the flush of hope,—as if he were describing a novelty, or some *terra incognita*, to the reader. In like manner, when a young man of twenty is confined in a dungeon as belonging to a gang of banditti, and going to be hanged, great pains are taken through three or four pages to convince us, that at that period of life this is no very agreeable prospect; that the feelings of youth are more acute and sanguine than those of age; that, therefore, we are to take a due and proportionate interest in the tender years and blighted hopes of the younger Cloudesley; and that if any means could be found to rescue him from his present perilous situation, it would be a great relief, not only to him, but to all humane and compassionate persons. Every man's strength is his weakness, and turns in some way or other against himself. Mr Godwin has been so long accustomed to trust to his own powers, and to draw upon his own resources, that he comes at length to imagine that he can build a palace of words upon nothing. When he lavished the colours of style, and the exuberant strength of his fancy, on descriptions like those of the character of Margaret, the wife of St Leon, or of his musings in the dungeon of Bethlem Gabor, or of his enthusiasm on discovering the philosopher's stone, and being restored to youth and the plenitude of joy by drinking the *Elixir Vitæ*;—or when he recounts the long and lasting despair which succeeded that utter separation from his kind, and that deep solitude which followed him into crowds and cities,—deeper and more appalling than the dungeon of Bethlem Gabor,—we were never weary of being borne along by the golden tide of eloquence, supplied from the true sources of passion and feeling. But when he bestows the same elaboration of phrases, and artificial arrangement of sentences, to set off the most trite and obvious truisms, we confess it has to us a striking

effect of the *bathos*. Lest, however, we should be thought to have overcharged or given a false turn to this description, we will enable our readers to judge for themselves, by giving the passage to which we have just alluded, as a specimen of this overstrained and supererogatory style.

—‘ The condition in which he was now placed could not fail to have a memorable effect on the mind of Julian. Shut up in a solitary dungeon, without exercise or amusement, he had nothing upon which to occupy his thoughts but the image of his own situation. He had hitherto lived, particularly during the last twelve months, in a dream. He grieved most bitterly, most persistingly, for the death of Cloudesley (the elder). He had been instigated by his grief to seek the society of the companions he had left in the Apennines. He did not desire any new connexions ; he would have shrunk from the encounter of new faces.

‘ All this was well. But the case was different, when he understood from the language and manner of those who had him in custody, the only persons he saw, that he would probably barely be taken out of prison to be led to the scaffold. This was a kind of shock, greatly calculated to awaken a man out of a dream. Julian was young, and had seen little of the diversified scenes of human life. Existence is a thing that is regarded in a very different light by the young and the old. The springs of human nature are of a limited sort, and lie in a narrow compass ; and when we grow old, our desires are declining, our faculties have lost their sharpness, and we are reasonably contented “ to close our eyes and shut out daylight.” But to the young it is a very different thing, particularly perhaps at twenty years of age. We are just come into the possession of all our faculties, and begin fully to be aware of our own independence. Every thing is new to us ; and the larger half at least of what is new, is also agreeable. Pleasure spreads before us all its allurements ; knowledge unrolls its ample page. We have every thing to learn, and every thing to enjoy. Ambition proffers its variegated visions ; and we are at a loss on which side to fix our choice. It is easy to dally with death. The young man is like the coquette of the other sex : She has little objection to trifling with a displeasing and superannuated lover, so long as she is satisfied she is not within his clutches.

‘ But all these considerations sink into nothing when contrasted with the horrible death that was prepared for him. Julian had hitherto been a stranger to adversity and pain. The path of his juvenile years had been smoothed to him by the exemplary cares of Cloudesley and Eudocia. To his own apprehension he was the favourite of fortune. All that he had read of tragic and disastrous in the annals of mankind, seemed like a drama, prepared to make him wise by the sorrows of others, without costing him a particle of the bitter price of experience. All that he had encountered of displeasing was when he was the inmate of Borromeo ; and this, though felt by him as intolerable, he was aware had been planned in a spirit of kindness. How terrible, therefore, was the reverse that had now fallen upon him ! That he, who had never contemplated the slightest mischief to a human creature, whose life had been all kindness,

and beneficence, and good-humour, should suddenly be treated as the vilest of criminals, shut up in a dungeon, and destined to the scaffold, was a thought that overturned all his previous conceptions of human society and life. It filled him with wildness and horror; it drove him to frenzy. From time to time he was ready to burst into paroxysm, and dash out his desperate brains against the bars of his prison. To exchange the most beautiful scene that Paradise ever exhibited, for utter desolation and tremendous hurricane, that should tear up rocks from their foundations, and overwhelm the produce of the earth with rushing and uncontrollable waves, would feebly express the revolution that took place in his mind. He repented that he had ever again sought the society of these alluring but pernicious friends.—Vol. III. p. 288.

Was so much circumlocution necessary to prove that it is a disagreeable thing to be shut up in a prison, and led out to the gallows? This is the style of the *orator*, where the whole object is to turn a plain moral adage in as many different ways as possible, and not that of the romance-writer, who has, or ought to have, too many rare and surprising adventures on his hands, to stoop to this trifling, snail-paced method. According to the foregoing studied description, it should seem, that for a man to feel shocked at being immured in a gaol, or broke on the wheel, is 'a pass of wit.' When the author has conjured up all the aggravations of the particular case, and compared it to the nicest shade of difference with his former or his future possible history, he then feels satisfied that his hero would like it little better than he does, and inflicts a tardy horror and repentance on him. With submission, this may be the scholastic or rational process for exciting pity and terror; nature takes a shorter *cut*, and jumps at a conclusion without all this formality and cool calculation of grains and scruples in the scale of misfortune.

We have a graver charge yet to bring against Mr Godwin on the score of style, than that it leads him into useless amplification: from his desire to load and give effect to his descriptions, he runs different characters and feelings into one another. By not stopping short of excess and hyperbole, he loses the line of distinction, and 'o'ersteps the modesty of nature.' All his characters are patterns of vice or virtue. They are carried to extremes,—they are abstractions of woe, miracles of wit and gaiety,—gifted with every grace and accomplishment that can be enumerated in the same page; and they are not only prodigies in themselves, but destined to immortal renown, though we have never heard of their names before. This is not like a veteran in the art, but like the raptures of some boarding-school girl in love with every new face or dress she sees. It is difficult to say which is the most extraordinary genius,—the improvisatori Ber-

nardino Perfetti, or his nephew, Francesco, or young Julian. Mr Godwin still sees with 'eyes of youth.' Irene is a Greek, the model of beauty and of conjugal faith. Eudocia, her maid, who marries the elder Cloudesley, is a Greek too, and nearly as handsome and as exemplary in her conduct. Again, on the same principle, the account of Irene's devotion to her father and her husband, is by no means clearly discriminated. The spiritual feeling is exaggerated till it is confounded with the passionate; and the passionate is spiritualized in the same incontinence of tropes and figures, till it loses its distinctive character. Each sentiment, by being over-done, is neutralized into a sort of platonics. It is obvious to remark, that the novel of Cloudesley has no hero, no principal figure. The attention is divided, and wavers between Meadows, who is a candidate for the reader's sympathy through the first half volume, and whose affairs and love adventures at St Petersburg are huddled up in haste, and broke off in the middle; Lord Danvers, who is the guilty sufferer; Cloudesley, his sullen, dilatory Mentor; and Julian, (the supposed offspring of Cloudesley, but real son of Lord Alton, and nephew of Lord Danvers,) who turns out the fortunate youth of the piece. The story is awkwardly told. Meadows begins it with an account of himself, and a topographical description of the Russian empire, which has nothing to do with the subject; and nearly through the remainder of the work, listens to a speech of Lord Danvers, recounting his own history and that of Julian, which lasts for six hundred pages without interruption or stop. It is the longest parenthesis in a narrative that ever was known. Meadows then emerges from his *incognito* once more, as if he had been hid behind a curtain, and gives the *coup-de-grace* to his own auto-biography, and the lingering sufferings of his patron. The plot is borrowed from a real event that took place concerning a disputed succession in the middle of the last century, and which gave birth not long after to a novel with the title of *Annesley*. We should like to meet with a copy of this work, in order to see how a writer of less genius would get to the end of his task, and carry the reader along with him without the aid of those subtle researches and lofty declamations with which Mr Godwin has supplied the place of facts and circumstances. The published trial, we will hazard a conjecture, has more 'mark and likelihood' in it. This is the beauty of Sir Walter Scott: he takes a legend or an actual character as he finds it, while other writers think they have not need their engagements and acquitted themselves with ap-
 all they have slobbered over the plain face of nature with
 varnish of their own. They conceive that truth is a

plagiarism, and *the thing as it happened* a forgery and imposition on the public. They stand right before their subject, and say, 'Nay, but hear me first!' We know no other merit in the Author of *Waverley* than that he is never this opaque, obtrusive body, getting in the way and eclipsing the sun of truth and nature, which shines with broad universal light through his different works. If we were to describe the secret of this author's success in three words, we should say, that it consists in the *absence of egotism*.

Mr Godwin, in his preface, remarks, that as Caleb Williams was intended as a paraphrase of "Blue Beard," the present work may be regarded as a paraphrase of the story of the "Children in the Wood." *Multum abludit imago*. He has at least contrived to take the sting of simplicity out of it. It is a very adult, self-conscious set of substitutes he has given us for the two children, wandering hand in hand, the robin-redbreast, and their leafy bed. The grand eloquence, the epic march of *Cloudesley*, is beyond the ballad-style. In a word, the fault of this and some other of the author's productions is, that the critical and didactic part overlays the narrative and dramatic part; as we see in some editions of the poets, where there are two lines of original text, and the rest of the page is heavy with the lumber and pedantry of the commentators. The writer does not call characters from the dead, or conjure them from the regions of fancy, to paint their peculiar physiognomy, or tell us their story, so much as (like the anatomist) to dissect and demonstrate on the insertion of the bones, the springs of the muscles, and those understood principles of life and motion which are common to the species. Now, in a novel, we want the individual, and not the *genus*. The tale of *Cloudesley* is a dissertation on remorse. Besides, this truth of science is often a different thing from the truth of nature, which is modified by a thousand accidents, 'subject to all 'the skyeey influences;'—not a mechanical principle, brooding over and working every thing out of itself. Nothing, therefore, gives so little appearance of a resemblance to reality as this abstract identity and violent continuity of purpose. Not to say that this cutting up and probing of the internal feelings and motives, without a reference to external objects, tends, like the operations of the anatomist, to give a morbid and unwholesome taint to the surrounding atmosphere.

Mr Godwin's mind is, we conceive, essentially active, and therefore may naturally be expected to wear itself out sooner than those that are passive to external impressions, and receive continual new accessions to their stock of knowledge and acquirement:—

——‘A fiery soul that working out its way,
Fretted the pigmy body to decay,
And o’er-inform’d its tenement of clay.’

That some of this author’s latter works are (in our judgment) comparatively feeble, is, therefore, no matter of surprise to us, and still less is it matter of reproach or triumph. We look upon it as a consequence incident to that constitution of mind and operation of the faculties. To quarrel with the author on this account, is to reject all that class of excellence of which he is the representative, and perhaps stands at the head. A writer who gives us *himself*, cannot do this twenty times following. He gives us the best and most prominent part of himself first; and afterwards ‘but the lees and dregs remain.’ If a writer takes patterns and *fac-similes* of external objects, he may give us twenty different works, each better than the other, though this is not likely to happen. Such a one makes use of the universe as his *common-place-book*; and there is no end of the quantity or variety. The other sort of genius is his own microcosm, deriving almost all from within; and as this is different from every thing else, and is to be had at no other source, so it soon degenerates into a repetition of itself, and is confined within circumscribed limits. We do not rank ourselves in the number of ‘those base plebeians,’ as Don Quixote expresses it, ‘who cry, *Long life to the conqueror!*’ And, so far, the author is better off than the warrior, that ‘after a thousand victories once foiled,’ he does not remain in the hands of his enemies,

‘And all the rest forgot, for which he toil’d.’

He is not judged of by his last performance, but his best,—that which is seen farthest off, and stands out with time and distance; and in this respect, Mr Godwin may point to more than one monument of his powers of no mean height and durability. As we do not look upon books as fashions, and think that ‘a great man’s memory may last more than half a year,’ we still look at our author’s talents with the same respect as ever—on his industry and perseverance under some discouragements with more; and we shall try to explain as briefly and as impartially as we can, in what the peculiarity of his genius consists, and on what his claim to distinction is founded.

Mr Godwin, we suspect, regards his *Political Justice* as his great work—his passport to immortality; or perhaps he balances between this and *Caleb Williams*. Now, it is something for a man to have two works of so opposite a kind about which he and his admirers can be at a loss to say, in which he has done best.

We never heard his title to originality in either of these performances called in question : yet they are as distinct as to style and subject-matter, as if two different persons wrote them. No one in reading the philosophical treatise would suspect the embryo romance : those who personally know Mr Godwin would as little anticipate either. The man differs from the author, at least as much as the author in this case apparently did from himself. It is as if a magician had produced some mighty feat of his art without warning. He is not deeply learned ; nor is he much beholden to a knowledge of the world. He has no passion but a love of fame ; or we may add to this another, the love of truth ; for he has never betrayed his cause, or swerved from his principles, to gratify a little temporary vanity. His senses are not acute : but it cannot be denied that he is a man of great capacity, and of uncommon genius. How is this seeming contradiction to be reconciled ? Mr Godwin is by way of distinction and emphasis an author ; he is so not only by habit, but by nature, and by the whole turn of his mind. To make a book is with him the prime end and use of creation. His is the *scholastic* character handed down in its integrity to the present day. If he had cultivated a more extensive intercourse with the world, with nature, or even with books, he would not have been what he is—he could not have done what he has done. Mr Godwin in society is nothing ; but shut him up by himself, set him down to write a book,—it is then that the electric spark begins to unfold itself,—to expand, to kindle, to illumine, to melt, or shatter all in its way. With little knowledge of the subject, with little interest in it at first, he turns it slowly in his mind,—one suggestion gives rise to another,—he calls home, arranges, scrutinizes his thoughts ; he bends his whole strength to his task ; he seizes on some one view more striking than the rest, he holds it with a convulsive grasp,—he will not let it go ; and this is the clew that conducts him triumphantly through the labyrinth of doubt and obscurity. Some leading truth, some master-passion, is the secret of his daring and his success, which he winds and turns at his pleasure, like Perseus his winged steed. An idea having once taken root in his mind, grows there like a germ : ‘ at first no ‘ bigger than a mustard-seed,—then a great tree overshadowing ‘ the whole earth.’ The progress of his reflections resembles the circles that spread from a centre when a stone is thrown into the water. Everything is enlarged, heightened, refined. The blow is repeated, and each impression is made more intense than the last. Whatever strengthens the favourite conception is summoned to its aid : whatever weakens or interrupts it is scornfully discarded. All is the effect, not of feeling, not of fancy,

not of intuition, but of one sole purpose, and of a determined will operating on a clear and consecutive understanding. His *Caleb Williams* is the illustration of a single passion; his *Political Justice* is the insisting on a single proposition or view of a subject. In both, there is the same pertinacity and unity of design, the same agglomeration of objects round a centre, the same aggrandisement of some one thing at the expense of every other, the same sagacity in discovering what makes for its purpose, and blindness to every thing but that. His genius is not dramatic; but it has something of an heroic cast: he gains new trophies in intellect, as the conqueror overruns new provinces and kingdoms, by patience and boldness; and he is great because he wills to be so.

We have said that Mr Godwin has shown great versatility of talent in his different works. The works themselves have considerable monotony; and this must be the case, since they are all bottomed on nearly the same principle of an uniform keeping and strict totality of impression. We do not hold with the doctrines or philosophy of the *Enquiry concerning Political Justice*; but we should be dishonest to deny that it is an ingenious and splendid—and we may also add, useful piece of sophistical declamation. If Mr Godwin is not right, he has shown what is wrong in the view of morality he advocates, by carrying it to the utmost extent with unflinching spirit and ability.

Mr Godwin was the first *whole-length* broacher of the doctrine of *Utility*. He took the whole duty of man—all other passions, affections, rules, weaknesses, oaths, gratitude, promises, friendship, natural piety, patriotism,—infused them in the glowing cauldron of universal benevolence, and ground them into powder under the unsparing weight of the convictions of the individual understanding. The entire and complicated mass and texture of human society and feeling was to pass through the furnace of this new philosophy, and to come out renovated and changed without a trace of its former Gothic ornaments, fantastic disproportions, embossing, or relief. It was as if an angel had descended from another sphere to promulgate a new code of morality; and who, clad in a panoply of light and truth, unconscious alike of the artificial strength and inherent weakness of man's nature,—supposing him to have nothing to do with the flesh, the world, or the Devil,—should lay down a set of laws and principles of action for him, as if he were a pure spirit. But such a mere abstracted intelligence would not require any rules or forms to guide his conduct or prompt his volitions. And this is the effect of Mr Godwin's book—to absolve a rational and voluntary

agent from all ties, but a conformity to the independent dictates and strict obligations of the understanding :—

‘ Within his bosom reigns another lord,
Reason, sole judge and umpire of itself.’

We own that if man were this pure, abstracted essence,—if he had not senses, passions, prejudices,—if custom, will, imagination, example, opinion, were nothing, and reason were *all in all* ;—if the author, in a word, could establish as the foundation, what he assumes as the result of his system, namely, the omnipotence of mind over matter, and the triumph of truth over every warped and partial bias of the heart—then we see no objection to his scheme taking place, and no possibility of any other having ever been substituted for it. But this would imply that the mind’s eye can see an object equally well whether it is near or a thousand miles off,—that we can take an interest in the people in the moon, or in ages yet unborn, as if they were our own flesh and blood,—that we can sympathize with a perfect stranger, as with our dearest friend, at a moment’s notice,—that habit is not an ingredient in the growth of affection,—that no check need be provided against the strong bias of self-love,—that we can achieve any art or accomplishment by a volition, master all knowledge with a thought ; and that in this well-disciplined intuition and faultless transparency of soul, we can take cognizance (without presumption and without mistake) of all causes and consequences,—establish an equal and impartial interest in the chain of created beings,—discard all petty feelings and minor claims,—throw down the obstructions and stumbling-blocks in the way of these grand cosmopolite views of disinterested philanthropy, and hold the balance even between ourselves and the universe. It were ‘ a consummation devoutly to be wished ;’ and Mr Godwin is not to be taxed with blame for having boldly and ardently aspired to it. We meet him on the ground, not of the desirable, but the practicable. It were better that a man were an angel or a god than what he is ; but he can neither be one nor the other. Enclosed in the shell of self, he sees a little way beyond himself, and feels what concerns others still more slowly. To require him to attain the highest point of perfection, is to fling him back to grovel in the mire of sensuality and selfishness. He must get on by the use and management of the faculties which God has given him, and not by striking more than one half of these with the dead palsy. To refuse to avail ourselves of mixed motives and imperfect obligations, in a creature like man, whose ‘ very name is frailty,’ and who is a compound of contradictions, is to lose the substance in

catching at the shadow. It is as if a man would be enabled to fly by cutting off his legs. If we are not allowed to love our neighbour better than a stranger, that is, if habit and sympathy are to make no part of our affections, the consequence will be, not that we shall love a stranger more, but that we shall love our neighbour less, and care about nobody but ourselves. These partial and personal attachments are 'the scale by which we ascend' to sentiments of general philanthropy. Are we to act upon pure speculation, without knowing the circumstances of the case, or even the parties?—for it would come to that. If we act from a knowledge of these, and bend all our thoughts and efforts to alleviate some immediate distress, are we to take no more interest in it than in a case of merely possible and contingent suffering? This is to put the known upon a level with the unknown, the real with the imaginary. It is to say that habit, sense, sympathy, are non-entities. It is a contradiction in terms. But if man were such a being as Mr Godwin supposes, that is, a perfect intelligence, there would be no contradiction in it; for then he would have the same knowledge of whatever was possible, as of his gross and actual experience, and would feel the same interest in it, and act with the same energy and certainty upon a sheer hypothesis, as now upon a *matter-of-fact*. We can look at the clouds, but we cannot stand upon them. Mr Godwin takes one element of the human mind, the *understanding*, and makes it the whole; and hence he falls into solecisms and extravagancies, the more striking and fatal in proportion to his own acuteness of reasoning, and honesty of intention. He has, however, the merit of having been the first to show up the abstract, or *Utilitarian*, system of morality in its fullest extent, whatever may have been pretended to the contrary; and those who wish to study the question, and not to take it for granted, cannot do better than refer to the *first* edition of the *Enquiry concerning Political Justice*; for afterwards Mr Godwin, out of complaisance to the public, qualified, and in some degree neutralized, his own doctrines.

Our author, not contented with his ethical honours, (for no work of the kind could produce a stronger sensation, or gain more converts than this did at the time,) determined to enter upon a new career, and fling him into the *arena* once more; thus challenging public opinion with singular magnanimity and confidence in himself. He did not stand 'shivering on the brink' of his just-acquired reputation, and fear to tempt the perilous stream of popular favour again. The success of Caleb Williams justified the experiment. There was the same hardihood and

gallantry of appeal in both. In the former case, the author had screwed himself up to the most rigid logic; in the latter, he gave unbounded scope to the suggestions of fancy. It cannot be denied that Mr Godwin is, in the pugilistic phrase, an *out-and-outer*. He does not stop till he 'reaches the verge of all we hate:' is it to be wondered if he sometimes falls over? He certainly did not do this in Caleb Williams or St Leon. Both were eminently successful; and both, as we conceive, treated of subjects congenial to Mr Godwin's mind. The one, in the character of Falkland, embodies that love of fame and passionate respect for intellectual excellence, which is a cherished inmate of the author's bosom; (the desire of undying renown breathes through every page and line of the story, and sheds its lurid light over the close, as it has been said that the genius of war blazes through the Iliad;)—in the hero of the other, St Leon, Mr Godwin has depicted, as well he might, the feelings and habits of a solitary recluse, placed in new and imaginary situations: but from the philosophical to the romantic visionary, there was perhaps but one step. We give the decided preference to Caleb Williams over St Leon; but if it is more original and interesting, the other is more imposing and eloquent. In the suffering and dying Falkland, we feel the heart-strings of our human being break; in the other work, we are transported to a state of fabulous existence, but unfolded with ample and gorgeous circumstances. The palm-tree waves over the untrodden path of luxuriant fiction; we tread with tip-toe elevation and throbbing heart the high hill-tops of boundless existence; and the dawn of hope and renovated life makes strange music in our breast, like the strings of Memnon's harp, touched by the morning's sun. After these two works, he fell off; he could not sustain himself at that height by the force of genius alone, and Mr Godwin has unfortunately no resources but his genius. He has no Edie Ochiltree at his elbow. His *New Man of Feeling* we forget; though we well remember the old one by our Scottish Addison, Mackenzie. Mandeville, which followed, is morbid and disagreeable; it is a description of a man and his ill-humour, carried to a degree of derangement. The reader is left far behind. Mr Godwin has attempted two plays, neither of which has succeeded, nor could succeed. If a tragedy consisted of a series of soliloquies, nobody could write it better than our author. But the essence of the drama depends on the alternation and conflict of different passions, and Mr Godwin's *forte* is harping on the same string. He is a reformist, both as it regards the world and himself. If he is told of a fault, he amends it if he can. His *Life of Chaucer* was objected to as too romantic and dashing; and in his late *History of the Common-*

wealth, he has gone into an excess the other way. His style creeps, and hitches in dates and authorities. We must not omit his *Lives of Edward and John Phillips*, the nephews of Milton—an interesting contribution to literary history; and his *Observations on Judge Eyre's Charge to the Jury in 1794*,—one of the most acute and seasonable political pamphlets that ever appeared. He some years ago wrote an *Essay on Sepulchres*, which contained an idle project enough, but was enriched with some beautiful reflections on old and new countries, and on the memorials of posthumous fame. It is a singular circumstance that our author should maintain for twenty years, that Mr Malthus's theory (in opposition to his own) was unanswerable, and then write an answer to it, which did not much mend the matter. It is worth knowing (in order to trace the history and progress of the intellectual character) that the author of *Political Justice* and *Caleb Williams* commenced his career as a dissenting clergyman; and the book-stalls sometimes present a volume of *Sermons* by him, and we believe, an *English Grammar*.

We cannot tell whether Mr Godwin will have reason to be pleased with our opinion of him; at least, he may depend on our sincerity, and will know what it is.

ART. VII. *The Question of Registry, or no Registry, considered, with reference to the Interests of Landowners and Commercial Credit; in a Letter to the Right Honourable ROBERT PEEL.*
By H. BELLENDEN KER, Esq. F.R.S. 8vo. London. 1830.

THE uncertainty and the complexity of the principles which govern the laws relating to the transfer of real property in England, have long been known and admitted. Till lately, however, none has ventured to approach the task of reform in this important department. Some years ago, we called the attention of our readers, generally, to the subject, and attempted, as far as perhaps it was then possible, to point out some of the more glaring evils of the system. After this came Mr Humphrey's valuable work, which has also been noticed in this Journal; and there can be but few of our readers who are unacquainted with the result of Mr Brougham's motion for a general enquiry into the state of the law. Two Commissions were appointed to enquire, the one into the proceedings of the English courts of Common Law, the other, into the state of the laws relating to Real

Property in England. The former Commission has presented two Reports, of great value, whether we regard the information or the suggestions which they contain; and one voluminous Report has been presented by the latter Commission, highly creditable at once to the talents and the liberal spirit of the learned persons employed. Another will probably be presented to Parliament before these pages see the light.

In their First Report, the Commissioners have taken a review of the general state of the law of real property, dividing it into two heads—*Enjoyment* and *Transfer*. They conceive that the laws which relate to the *enjoyment* of property, require few essential alterations; but, as to those which regulate the *transfer* of it, the field for reform appears to be ample. We shall extract a few introductory remarks from the Report on this head, which we think will fully bear out all that has been said on this subject, either by ourselves or others:—

‘It appears to us that the modes by which estates, and interests in real property, are created, transferred, and secured, are exceedingly defective, and require many important alterations.

‘This proceeds in a considerable degree from rules and maxims which once were suitable and rational, being maintained when the state of society, and the modifications of property, are changed. Statutes have been often passed on the spur of the occasion, with little regard to the harmony of the system; and, from the reign of your Majesty’s illustrious ancestor, King Edward I., till the issuing of this Commission by your Majesty, there has been no general revision of the law.

‘A long succession of upright and able judges have corrected many abuses, and introduced many improvements; yet their decisions have occasionally exhibited a strange vacillation between rigid adherence to technical forms, and respect for the principles of enlightened jurisprudence. They have found themselves unable to break through rules become purely arbitrary. Thus, though military tenures have been long abolished, the incidents of military tenure are still often referred to in judicial argument; and the manifest intention of the parties to a deed is, at this day, liable to be defeated, because the law supposes that there must always be a tenant seised of the freehold to attend the Lord’s Court, and to defend any real action that may be brought by an adverse claimant.

‘The cumbrous and circuitous forms of conveyancing now in use, are founded on antiquated doctrines.—

—‘Dower has long ceased to be the provision for widows, but the legal right to it remains in its ancient strictness. To evade this, and to make obsolete law bend to modern usage, there are introduced into every conveyance upon a purchase of land, limitations which not only swell its bulk, but sometimes lead to very inconvenient consequences.—

—‘Although what could in former times be only done indirectly by way of fiction, is now acknowledged law, the fiction is still preserved. Thus a married woman conveys her interest by means of an imaginary suit,

called levying a fine, and an estate tail is now barred by a fictitious recompense in value, awarded to the issue in tail through the medium of a common recovery.

‘ Much perplexity and confusion have likewise been occasioned by the entire want of system in the various periods of limitation, and the incongruous variety of remedies allowed for the recovery of real property.

‘ *But there is no evil in the present system of conveyancing so great as the want of a substitute for the notice supposed by the common law to be given by the open delivery of possession upon the creation of an estate of freehold. At present, there is constant danger from secret transfers and secret charges. To guard against this, outstanding terms and other legal estates (that is, mere fictitious estates, as far as regards possession, enjoyment, and dominion,) are carefully kept alive, in the hope that an older legal estate may fortify the title of a purchaser against an intervening fraud.*

‘ Hence abstracts of title are loaded with tracing not only the transmission of the equitable, or beneficial estate, for a considerable time, but also of numerous legal estates, for a still longer period; and the purchaser either insists on having these brought down and conveyed to his own nominee, or, if he consents to waive this on account of the great difficulty and expense which may attend it, he submits, as his legal advisers well know, to a considerable risk. When all is done, there is no absolute certainty, on the one hand, that a court of law may not consider the legal estate he relies on, to have been determined by a presumed surrender, or, on the other, that some older, and therefore (if subsisting) preferable estate, may not be outstanding for the protection of some unknown and still more vigilant, or more fortunate purchaser or incumbrancer.

‘ The controlling power exercised by the Court of Chancery, has certainly done much in preventing hardship in individual cases, from the inapt maxims that are considered as still binding in courts of law, and in settling conflicting claims according to the true principles of justice; but this has been found a dilatory and expensive mode of obtaining relief, and new evils have arisen from the rules of property applicable to the same subject matter, under the same circumstances, in two competent tribunals, in the same country, being essentially different. A formidable inconvenience has likewise been produced from the vast load of business thus brought into Courts of Equity.’—*Real Property Report*, p. 7.

We have given this passage as the text upon which we are about to comment. It contains matter deserving of the deepest consideration; because it speaks the sense of the persons best entitled to be heard upon the subject,—whether we regard their general learning in the law, or their practical experience in that branch of it which is under discussion.

The important subject of a General Registry, which is broached in a prominent part of the passage quoted, has excited much controversy among the lawyers of England; and, as might be expected, has given an occasion to the alarmists,—the enemies of all reform, who perpetually confound change with destruction,—

for propounding their favourite commonplaces, and seeking to rouse the prejudices and the fears of particular classes, when they despair of convincing the reason of the community at large. The discussion has fortunately produced, among other works of learning and ability, in favour of the projected improvement, the very excellent tract of Mr Bellenden Ker, which now lies before us, and which we particularly recommend, on account of the admirable perspicuity of its explanations. They are indeed so didactic, that a person ignorant of the principles and practice of English jurisprudence, may form a most accurate judgment of the matter handled in the argument for the change, by being first made thoroughly to understand the present state of the law, and the mischiefs which arise out of its defects. The learned author is himself an experienced and eminent conveyancer; and, like Mr Humphreys, he seems to regard himself as a more judicious friend of their common profession, by pointing out its imperfections, and attempting to remove them, than those whose intolerant and indiscriminate praises, assuming all to be faultless, preclude the chance of a cure.

The question may be stated very shortly; nor are we aware of any stronger argument in favour of the proposed measure, than this simple statement of the case at once presents. Personal and movable property passes from hand to hand by actual delivery. According to the law of all countries, the apparent owner of chattels, except in a few cases of rare occurrence, is the real owner; and it is not the practice in any country to burden such property, by constituting rights over it in favour of one party, while the possession remains in another. Therefore, in almost every instance, you are quite safe in dealing with him who has the chattel in his actual custody, as if he had the entire dominion over it, unfettered by any other person's rights. But the case is widely different with respect to real or landed property; which, from its nature, is incapable of being delivered from one to another, or kept in exclusive corporal possession; and which, partly from its great importance, partly from its immovable nature, partly from the feudal scheme of polity, has become the subject of a kind of dealing hardly ever applied to chattels, whereby different persons may have different kinds of interest in the same property. It may belong to two or more jointly; it may be one person's as long as he lives, and no longer; another's immediately on his decease: it may belong to a person under certain conditions, the breach of which incurs a forfeiture of all right to it; it may be in one man's occupation for another's sole benefit; it may be pledged by the owner for his debt, and yet remain in his pos-

session; or it may be in the possession of the creditor, who yet has no right to retain it after the debt is repaid;—nay, it may be pledged to different creditors successively, each having his security only over what remains after satisfying the claims of those who precede him, while none of them appears to the world as connected with it at all. Hence the outward and visible sign of possession, which, in the case of a chattel, is every thing, and enables all mankind to deal with the possessor safely as the true owner, in the case of land is little or nothing; and affords no security either to a purchaser that he is paying for, or to a lender that he is advancing upon property, which the apparent owner has a right to dispose of, or to pledge. Concealed titles may exist, notwithstanding the indication afforded by enjoyment; and those titles may, on the morrow of the purchase or the loan, deprive him who has paid his money of all remedy for the wrong he has sustained, beyond the chance of recovering it from the person who has deceived him. But it does not follow that a wilful deception has been practised; the niceties of the law are such, that the person receiving the money may have taken it in the belief that he had a good title, and may have spent it, or paid his just debts with it, before he has discovered his mistake.

Now, it is manifest, that a very great part, if not the whole, of the risk to which parties are thus exposed in dealing with respect to land, may be prevented, by taking such precautions as shall insure the publicity of all rights affecting it. If no valid sale of an estate could be made, without doing something to let all mankind know that it was sold, the owner never could sell it twice over; and if he could not pledge it for money advanced, without letting every body know what he had done, no one would lend him more upon it, without being very sure that there was value enough to cover both debts. In the simplicity of early times, this publicity was sought for by a symbolical delivery in presence of the neighbourhood, called in, as it were, to attest the act by which the owner parted with his possession. But it is needless to observe, how inadequate this method of publication was, even in the simpler case of a mere sale; and how utterly inapplicable to any of the other rights, which, by the course of dealing in modern times, are constituted upon real property. The obvious mode of proceeding, and the one which is alone calculated to meet the circumstances of every case, is a publication of all the rights affecting the property, by recording these in some convenient place, open to the inspection of every person about to deal respecting it, with any one pretending to have the power over it.

Although, for the reasons already adverted to, it is certain

that the evils complained of as to real, seldom are felt in transactions respecting personal property, it is yet to be remarked, that where chattels happen to come into the predicament, in which land so frequently is, of the property being severed from the possession, or a qualified property created in the actual possessor, the same inconveniences are felt, and the same risks incurred. Thus, it is a maxim of law, that the property in goods cannot be changed by a criminal taking of them. A thief may sell the watch he has stolen ; and the purchaser may sell it again. Here the last purchaser has paid his money, innocent of all knowledge, and chargeable with no want of caution in buying it, yet he must restore it to the right owner, should he appear ; he has bought a watch with a bad title : and in such cases, it is to be observed, the law has, as far as possible, introduced the principle of publicity ; on the one hand, to prevent the purchaser from being imposed upon, and the real owner deprived ; on the other, to protect the necessary commerce in goods. For, if the sale takes place in open market, it is valid, notwithstanding the original defect in the title, unless in the case of horses, property in which can only be transferred secure from all claims, by observing certain formalities.

It may possibly be said, that we have here taken a very simple and superficial view of this question, and that the learning of it lies much deeper. But the truth is, that although barely stating the question is sufficient for its solution, the reasons presented by a stricter view of its merits, are infinitely stronger than those which at first sight present themselves. That many evils must needs arise from the most important part of the property of a country being, as it were, dealt with in the dark,—daily exposed to sale without the possibility of the bidder knowing to whom it really belongs, or offered as security to lenders who cannot by any care discover how far it is already encumbered,—is a proposition which requires no proof, and which of itself affords reason enough for a Registry ; but it presents a very inadequate description of the mischief ; because, no man could, *a priori*, discover the multitude of subtleties, and far-fetched arbitrary doctrines, which lawyers have devised, and which have incalculably increased the risks of deception and loss. A deeper view of the subject, therefore,—a cursory survey of some of its more hidden recesses,—may serve to carry conviction further to the reader ; and it is for this purpose, rather than to escape the imputation of not treating it in a manner sufficiently recondite, that we pursue the discussion.

An estate is settled at the marriage of the settler's son ; the deeds are suffered by the trustees to remain in the owner's

hands, who dies; and the son, who is tenant for life, concealing the settlement, sells or mortgages the property as if he had the fee simple. As soon as he dies, the next taker under the settlement turns out the purchaser, or holds the property discharged of all claims by the mortgagee. If, argues Mr Bellenden Ker, there had been a place where, by simple enquiry, a person could have been certain of finding every thing recorded that was adverse to his title, no such fraud could have been practised.* But he carries his argument somewhat too far in this case; for it is clear that the same negligent trustees and careless settlers, whom we have supposed to leave the deeds in the hands of the first tenant for life, might have omitted to record them, and then the same deception might have been effected. So, in the case of an entail created by devise, the will is very likely to be accessible to the heir-at-law, who may conceal it until he has sold or mortgaged the estate, and may die, leaving his first and other sons to come in upon the purchaser or encumbrancer, under their grandfather's will. It is clear that in all cases of this sort a Register affords no perfect remedy; it only enables persons to deposit in a safe place the evidence of what has been done to restrict or encumber the heir's rights; and it so far gives a better chance of the means of deception not being permitted to exist. But, as the law now is, those means exist, how carefully soever the settler and the trustees may have acted; the deeds may have been placed beyond the power of the heir, but in the hands of trustees unknown to the lender or buyer; nay, they and the settlement which they contain may have been unknown to the heir himself; or the will may have been proved by the executor in some one of the hundred places of Probate, where five pounds worth of personal property was lurking in some specialty, and not where a single acre of the land lay; and the money may thus have been lent or paid by the one party, and spent by the other, without the former being guilty of any negligence, or the latter of any fraud,—the defective provisions of the law rendering it impossible for any watchfulness to prevent such a mischance.

Again—The Law of England had most wisely provided that all contracts relating to land should be in writing; that no sale, nor exchange, nor mortgage, nor lease, for more than three years, should be valid, unless made by a written instrument. Such was the plain meaning of a statute made, to be lavishly praised, as it well deserved, and as freely broken down and frittered away

* Our author rather applies this argument to the case of mistake or ignorance, than design; but he states the mischief in both ways.

by the very persons who lauded it ;—giving it abundance of good words in their set phrases, and no effect in their decisions. Among multitudes of other exceptions by which those judicial legislators have wellnigh substituted a new act for the old, which they professed only to expound, while they were repealing it, was one that enabled a landowner to mortgage his estate, without putting pen to paper, by depositing the title-deeds with the lender : about a hundred years after the act passed, this was held, in other words discovered, to be an *equitable* mortgage, and to give the depositary a right to a legal mortgage whenever he thought fit to apply for it. Of what avail is it that the judges who succeeded those repealers of the statute all expressed their regret, and declared they never should have done so themselves ? They felt bound by the decisions ; and preferred to abide by the erroneous construction rather than amend it by the record of the law itself. It thus happens, that if an estate is mortgaged, and the title-deeds left in the hands of the owner, he may give another effectual mortgage to another person, who advances his money upon what, to all appearance, is a sufficient title. Nay, the owner may do so innocently ; for his predecessor may have granted the first conveyance, and the deposit may be made before any interest was demanded by the first mortgagee, or other notice given of the existence of the prior encumbrance. It is true, that such frauds or such mistakes would not be prevented by recurring to the true construction of the statute ; but it is equally true, that a Register would render them absolutely impossible ; because the first encumbrancer would of course take care to record his security, when the omission must expose him to have it cut off by a succeeding lender ; and the second would not advance his money without searching where evidence of the first was sure to be found. Such have been the effects of registration in Scotland for two centuries.

In what we have hitherto stated, we have only got to the evils inseparable from a want of registration, and not touched those which are superadded by the elaborate errors,—the *prava diligentia* of lawyers, whose learned folly has encumbered their science with defects not necessary to it, and strengthening a thousandfold the call for a Registry.

The law of England acknowledges two distinct kinds of right, and has appointed two separate, and, generally speaking, independent judicatories for their enforcement respectively. It is foreign to our purpose to show how this division originated, and in what manner it has been pursued, so as to have produced two systems of jurisprudence, almost equally technical and artificial, in the same country, and dealing with the same rights in a per-

factly different way, and according to principles wholly diverse. We are now looking only to the practical effect of the double-dealing, and the wide door which it opens to error and fraud, and their attendant expense, vexation, and ruin.

If a man agrees to sell, and another to buy, but no conveyance is actually executed, the agreement transfers the property in equity, or, as it is called, the equitable estate, to the latter ; while the property at law, or legal estate, continues in the former ; and the courts of law will take no notice of the existence of the one as regards this property, nor the courts of equity of the existence of the other ; but the law courts will continue to treat the seller as the owner after he has signed the agreement and received the price, while the courts of equity will regard him only as a trustee for the buyer, whom they consider as the owner.

In like manner, when a mortgage has been created upon the estate, but paid off, and yet no re-conveyance made to the borrower, the legal estate continues in the lender, just as before he was repaid ; only he is regarded in equity as a mere trustee for the borrower, or mortgager, who has the equitable estate. Now, he may borrow again of another person, to whom he can only give the equitable estate which he himself has ; and if he either omits or suppresses all mention of the legal estate outstanding in the first lender, the second must remain with only an equitable, when he supposes he has got the legal, estate. In this posture of things, the owner may then borrow more money of a third person, who, finding there is an outstanding legal estate in the first mortgagee, requires that to be conveyed to him in order to perfect his security. This is done—and it does perfect it with a vengeance ; which vengeance falls upon the hapless second party ; for he having only an equitable right, and the third party having both an equitable and a legal right, the latter must prevail. So the first and last encumbrancer may be one and the same person. A has a first mortgage, B a second, and C takes a third, believing it to be the second ; B's not being disclosed to him. He discovers it, however ; and immediately pays off A's, whereby he obtains the legal estate, and wholly defeats B, who, never dreaming of C, had taken no such precaution, but rested satisfied with the property being sufficient to secure both A and himself. The expressive phrase for this notable operation among the jurisconsults of our Southern neighbours, is *squeezing out* ; and it is sometimes called *shoving out* : the ill-fated B is said to be squeezed or shoved out by the more fortunate C, who is also said to *tack*, that is, join two loans together.

The general rule of equity, no doubt, is the plain rule of natural justice and honesty,—that all rights should have precedence

according to their date; or, in the language of the civil law, '*qui prior tempore, potior jure.*' In following out this principle, there could have been no difficulty; but it was far too ordinary and easy to satisfy the ingenuity of the profession, and therefore another was let in to modify it, and to pervert, under pretence of directing, its application. It was said that the priority of date should prevail indeed among equities; but that where equities were equal, the legal estate should prevail over them all; and that, without regard to priority in point of time, and equally without regard to the legal estate having been sought and obtained with a full knowledge of the consequence which was to follow from uniting it to the equitable;—nay, although it had been so obtained for the express purpose of squeezing out the prior encumbrancer, who could know nothing whatever of the operation that was going on, until he felt himself crushed by it. Sir E. Sugden, a person eminently skilled in conveyancing, and a zealous opponent of the Registry, thinks there is 'but little doubt that the character of *fair dealing* which we' (the English, of course) 'possess as a people, is mainly attributable to the *moral equity* of the law which regulates our transactions with each other.'—(*Answer to Mr Humphreys.*) Certainly we have no doubt of the alacrity with which our good neighbours on every occasion take their own perfections for granted, in all things, and especially in morality; but we suspect, if they are indeed so much distinguished in this respect, it must be owing to something else in their institutions than the celebrated refinements of *tacking* and *squeezing*.

These are pursued in practice variously, but always with the effect of exposing one man to have his estate taken from him, or his security damaged, in favour of another of whom he can know nothing. An apt illustration of this is afforded by that kind of safeguard for titles, which is so habitually sought for from protecting terms, that it may be said to have become an essential branch of English conveyancing. It is founded upon the principle, already adverted to, of preferring the legal estate; and it has plainly been resorted to as a make-shift for want of a Registry,—affording a clumsy and precarious security to one party against latent claims, and often working injustice to another as innocent as himself.

In raising money upon the security of real property, it has been usual to create long terms; that is, to vest the estate in trustees for five hundred or a thousand years for raising a certain sum out of the rents and profits. When the money has been raised, and the purpose attained for which the term was created, it is said to be satisfied; and the natural course would be, that

it should cease of itself, or be considered to have merged in the fee. But not so is the more refined contemplation of the law; the trustees continue, though their occupation is gone—the trust continues, though its object is attained—and the term continues, though all that could constitute any thing like a term has ceased;—there being no landlord, no tenant, and no rent, apart from the person and the enjoyment of the owner, in whom every thing has now substantially vested. This shadow or phantom of a term, *therefore*, continues to haunt the recesses of the conveyancer's sanctuary; but—substance that may well be called, that shadow seems,—for it works the most powerful effects, and brings with it, now airs from heaven, now blasts from hell—to one dispensing secure enjoyment, and visiting another with swift destruction. To propitiate this being, and obtain his aid, becomes the object of all; and to gain so great a boon, the price required, as might be expected, is not small. The term is outstanding in the original trustees and their representatives; that is, the legal estate, for the unexpired part of the term is out of the apparent owner. He may settle, or sell, or pledge the estate, but, for many hundred years, his deeds can only give the equitable estate. A party comes forward to purchase, and he cannot tell what *mesne* conveyances may have been made; that is, what rights may have been constituted over the property since the creation of the term; but this he knows, that if he can only get that term assigned to him, he obtains the legal estate for the rest of the period, and, for eight or nine hundred years, he may laugh to scorn all prior claimants whom he knew nothing of when he paid his money, how fairly soever they may have advanced theirs, so as they only have equitable estates obtained since the term was created.

The following quotation from a celebrated judgment of Lord Hardwicke's, relates to the subject on which we have been treating, and which is known in courts of equity by the name of *Tabula in Naufragio*, from the scramble supposed to take place among persons equally entitled to be saved, and the supposed—the falsely assumed—impossibility of dealing out any thing more like justice among them, than by enabling one to escape entirely, and the others to be entirely ruined.

—‘As to the equity of this Court, that a third encumbrancer having taken his security, without notice of the second encumbrance, and then being *pursu* taking in the first encumbrance, shall *squeeze out*, and have satisfaction before the second, that equity is certainly established, in general, and was so by a very solemn determination of Lord Hale. Perhaps it might be going a *good way at first*, but it has been followed ever since, and was rightly settled only on this foundation, by the particular consti-

tation of the law of this country. It could not happen in any other country but this, because the jurisdiction of *law* and *equity* is administered here in different courts, and creates different kinds of rights in estates, and, therefore, as courts of equity break in upon the common law, where *necessity and conscience require it*, still they allow superior force to a *legal* title; and, therefore, when there is a legal title and equity on one side, this court never thought fit, that, by reason of a prior equity, against a man who had a legal title, that man should be hurt, and this by reason of that force this court *necessarily* and *rightly* allows to the common law, and to legal titles. But if this had happened in any other country, it could never have made a question, for if the law and equity are administered by the same jurisdiction, the rule, *qui prior est tempore, potior est jure*, must hold.' (2 Ves. sen. 573.)

We shall subjoin Mr Bellenden Ker's judicious and spirited reflections upon the above doctrine:—

'I have purposely left this picture to be drawn by Lord Hardwicke, one of the greatest expounders of equity. I might, however, add some more touches and new lights, by every one of his most admired successors, all in the same style, and all tending to heighten the composition. Was ever a more perfect caricature drawn of the doctrines of a court of justice, and were there ever weaker reasons for not departing from the doctrine, assuming that a perfect system of equitable and conscientious distribution of right is the object to be obtained? Why, in a new system, established purposely to supply the defects of the old, necessity and conscience should require the judge to have such a blind reverence for the old system which he is to correct, as professedly to depart from a wise, intelligible, and just rule, in order to establish one which has no such qualities, it is impossible to understand. At all events, here equity and *conscience* have done nothing for the suitor. The old rule, superseded by equity and *conscience*, has brought new injustice and doubt on all. I must not be understood to speak with any disrespect of Lord Hardwicke. I allude merely to the system, which he was bound to expound according to the decisions of his predecessors. Establish a Register, the whole of this doctrine will be swept away, and the wise and just one of reckoning every man's right from the time he acquired it will alone prevail. In order to prevent misrepresentation, I must repeat, that the *mere* alteration of the rule, and giving every right priority according to time, would not have been sufficient, having regard to the secret mode of dealing with property which the present state of the law allows.'—Pp. 28—30.

The ruin to the ill-starred individuals who have been shoved out, or off the plank, and gone to the bottom, is plain enough; but the fortunate party who gets hold of it, is left struggling in a sea of troubles. He never can be sure that some one will not come and destroy him with a yet older title; and he has, even when safe, to purchase his security by endless expense and delay. The term is a chattel interest; though a chattel real, it descends to the personal representatives; that is, though the equity, or

right to have it assigned, descends with the realty, the legal estate, the term itself, goes to the trustee's legatees, or his next of kin! Thus, in the course of half a century or more, it has descended several times; and it must be traced through its whole course. Administration must be taken where Probate had been taken in a wrong court, or where there is no representative of the last surviving trustee; and Mr B. Ker tells us, that he has known a term thus traced through twenty parties, and letters of limited administration four times had, at an expense of as many hundred pounds, to obtain such protection as a term could afford, on the purchase of a very small estate.

But imperfect and costly as this security is, there has been introduced a further modification of the principle on which it rests, and in a somewhat opposite direction. The qualification of the rule respecting dates, which prefers the legal estate, tends greatly to restrict that rule, and opens a door to much fraud, and still more injustice. Another qualification in some degree restores the vigour of the rule, and about half-shuts the door which had been thrown wide open. It is this: If the party seeking to avail himself of the *plank* had *notice* of prior rights, his proceeding is of no avail. Now, this principle, however fair and reasonable, if the courts, the sole law guides in all this matter, had clearly defined what should constitute notice, becomes the source of endless uncertainty, and not a little fraud, from the impossibility of divining what will, by any given judge, be considered as notice. And here, it is needless to say, the courts have revelled, as usual, in the largest measure of subtlety, and fancy, and refinement. *Actual* notice, of course, we do not here speak of; that must necessarily be confined within tolerably narrow bounds. But what limit is there to *constructive* notice? It is whatever the judge, before whom the question shall arise, may deem enough to make him think the party either did know, or ought to have known. Then, who can be in the least degree secure, after all the pains he has taken, and all the cost he has incurred, to obtain the protection of an attending term? He did not see; but then he may have shut his eyes. He knew nothing; but then he might have enquired. His attorney knew; or his attorney's town-agent knew, and that is enough; and that may be proved years and years after all the evidence is gone, by which the presumption might have been repelled. 'With a Register,' says Mr B. Ker, 'the whole rule as to notice, actual and constructive, ' would either be abolished, or so modified, as in a great degree ' to mitigate the numerous evils which spring from the present ' state of the law; with a Register, the only notice, with perhaps ' some few exceptions, would be the Register itself; all the facts

‘ which I ought to know actually or constructively, by myself
‘ or my agents, are to be sought and found there ; it is all I have
‘ to look to or care about. All that would then be required
‘ would be diligence and caution ; not, however, that species of
‘ blind caution which the present rules of equity make necessary,
‘ but that rational care which a knowledge of all the facts of
‘ the title requires. The term constructive notice, as relates to
‘ real property, will be at once swept from the digests of the
‘ courts of equity, and judges will be relieved from the pain of
‘ coming to a conclusion in cases involving a vast mass of con-
‘ flicting circumstances. This will be no small matter gained at
‘ once ; the purchaser secured, and the overloaded courts of equity
‘ relieved.’

We are unwilling, where a case rests upon such a broad basis of reason, to load it with mere authority ; but certainly the names of Sir M. Hale, Lord Keeper Guildford, Mr Justice Blackstone, and the learned author of the *Touchstone*, (whether he were Shepherd or Mr Justice Doddridge,) are to be recited with great respect, and these persons all have pronounced in favour of a Registry. The celebrated Committee, also, for reforming the law in the time of the Commonwealth, numbered this among their important propositions ; but, as one of their ablest, though least learned members (Cromwell) said, ‘ the Sons
‘ of Zeruiah, the lawyers, were too many for them,’ and their appointment was not renewed. But the example of what has been done in other countries, deserves to be considered even by our all-perfect neighbours of the South ; and on this head, we may cite Scotland, Ireland, most of the West India Colonies, the United States, and the greater part of the Continent of Europe. England is almost the only exception in this important branch of jurisprudence, although from the single exception in another respect,—the strange peculiarity of her equitable jurisdiction,—she has far more pressing occasion for a Registry than any country not governed by English law. Two of her own provinces, the largest and wealthiest, Middlesex and Yorkshire, have at least recognised the principle for above a century, and would have had a perfect application of it in practice, had not certain most unfortunate decisions, and some defects in the arrangements, rendered the Registry in these counties of comparatively little use. Imperfect as it is, that it is deemed better than nothing, no one can doubt who reads the advertisements of lenders, and observes the preference given to Register counties.

The reader may next, and not unnaturally ask, where are the objectors ? What arguments have the combined learning and prejudice of the very learned, and not wholly unprejudiced, pro-

profession raised to this important proposition? The experience of other nations has pronounced in its favour. The opinions of wise laymen, founded upon reason, and confirmed by that experience, are ranged on its side. Sir William Petty, in reviewing the consequences which spring from the want of a Registry, has said, that though ‘few may be actually damnified, yet ‘all are hindered by fear, and deterred from dealing.’* Sir William Temple mentions the Registry introduced into Holland and Flanders by the Emperor Charles V. as one cause of the commercial prosperity of the Dutch, by making all purchases safe.† Sir Joshua Child ascribes the low rate of interest in Holland to ‘the ascertaining real securities by their public Registries;’ the want of which, he says, and not the want of money, makes borrowing difficult in England.‡ Even the high authority of the great lawyers of former days whom we have cited—nothing loth to praise existing institutions of their own country, nor prone to prefer those of others, nor at all affecting change—are arrayed on the same side. What, then, say their successors of the present day? Again the weight of authority is with us. We have on our side the great philosophic lawyer of the age, the father of law reform. But not he—not Mr Bentham alone—the Commissioners, whether of the common law or the equity bar, or those who devote themselves to the practice of conveyancing, are all of one mind; and Mr Bell and Mr Butler, themselves a host, agree. Comforted and assured by such protection, we may adventure to meet the opponents of the measure, freely confessing both their high authority in the profession, and their capacity to do the antagonist argument ample justice. Sir E. Sugden, Mr Preston, and Mr Coote, have declared their hostility; and from their large experience as conveyancers, their great general learning, and other powerful talents, we may be well assured, that no vestige of a reason can be found to bear against us which has escaped such adversaries as these. We have perused their arguments; we have given them all the attention they have so good a right to claim; and the result of the enquiry is, that we are far more dismayed by their high names than by their reasonings; and that even their authority and arguments together, appal us far less, and make us less uneasy about the issue of the conflict, than the official attributes wherewithal one of them is invested.

The only arguments worth considering, which these able and

* *Political Arithmetic.*

† *Observations on United Provinces*, cap. i. Also, *Popular Discontents*. Works, vol. i.

‡ *Discourse on Trade.*

learned persons have advanced, may be reduced to these two—*First*, The danger or the hardship of making nullity, at least postponement, the penalty of neglect to register. *Secondly*, The inconvenience of giving publicity to the state of men's real encumbrances.

First, It is not, as we understand, proposed that unregistered deeds affecting land should be void, but only that they should be postponed to those which are registered; that a deed first registered should have the preference over one executed earlier, but registered late. This, no doubt, is, as it were, a relative forfeiture. But there is no other conceivable way of enforcing publicity, and securing *bona fide* purchasers, or encumbrancers, against latent rights. Nor is there any thing unjust in attaching this penalty to the neglect. The act necessary to avoid it is in each man's power; and his interest at the moment will always keep him awake to the performance of it. Such has been the result in Scotland. The penalty in question, so far from being peculiar to the proposed plan, is a part of almost every law made to regulate the transmission and transference of property of every description. When a stamp duty is imposed upon bills of exchange or promissory notes, whoever discounts one of these instruments without looking at the stamp, runs the risk of giving his money for a piece of waste paper. When the late act required all promises to be in writing, in order to take simple contracts out of the statute of limitations, any creditor who had neglected to obtain such a revival of the debt, relying on parole admissions, forfeited that debt; and here the new law was not only one of forfeiture, but was retrospective in its operation. When the statute of frauds required all contracts relating to land to be in writing, whoever bought an estate, and paid the price without a written memorandum, paid his money for nothing, and had to blame his own laches for being left remediless. When the same wholesome law gave parole leases for more than three years the effect only of leases at will, the tenant who laid out his money without a written lease or agreement, was at the mercy of his landlord, whom the act enabled to take advantage of the omission, and reap the benefit of the outlay. When the annuity act voided all annuities, of which a memorial was not enrolled, it enabled the borrower to avail himself of the lender's neglect, and subjected the latter to a forfeiture for his want of due care. In short, the instances are without end of the law compassing its purpose by means of forfeiture, or penalty in the nature of forfeiture; and there can be no possible reason why, in the case under consideration, we should reject a measure which tends to make all men secure,

because it may, peradventure once in ten thousand times, prove detrimental to some one through his own neglect—the more especially, when they whom it requires to perform the act are the parties immediately interested in it.

Secondly, The mischief of injuring credit, and especially commercial credit, by revealing encumbrances, appears greatly over-rated. It may well be questioned, whether any good is gained by enabling a man in trade to obtain trust on the faith of having an estate in land, when he has only the name of one, the substance belonging to his mortgagees. Scotland has been in the condition contemplated by the argument, ever since the year 1617; and Holland for nearly a century before that. No practical inconvenience has been found to result from publicity in either country. It appears strange, indeed, to hear the alarm of publicity sounded in England, where things of a much more delicate nature in private families are recorded, and accessible to all the world for the moderate sum of a shilling;—we allude, of course, to the Registry of wills, which embraces, without any exception, every will relating to personal property, from the largest to the smallest in amount.

The other objections which have been urged, are either principally to the supposed details of the measure, founded indeed for the most part upon the experience of the very faulty Registry adopted in Middlesex and Yorkshire; or they are such as the very ingenious method proposed by the Commissioners in their Report, has a powerful tendency to remove. On the principles of that method, our limits prevent us from entering at present. But we cannot dismiss the subject without joining in the general applause which it has called forth; and we trust, that before we return to the consideration of the subject, it will have been matured by the learned author, M. Duval, and his colleagues, and have finally received the sanction of the legislature.*

Mr Bellenden Ker, whose tract has given occasion to these re-

* We have in this article only had occasion to mention incidentally the important labours of this Commission. But while we reserve for another occasion a statement of what they have done, we cannot suffer this opportunity to pass without expressing what we are aware is the general feeling of gratitude to them for their unwearied exertions. No remuneration, in the ordinary sense of the term, can be deemed an adequate compensation to men, like Mr Campbell, in the highest walks of forensic practice, who devote the whole of their scanty leisure, not to recreation or needful repose, but to a most difficult and toilsome enquiry. Their true reward must be the consciousness of the service they are rendering their country, and the confidence that they will be held in lasting remembrance among those who have improved her most valued institution—

marks, is certainly entitled to the best thanks of all who desire to study this question. He has treated it in a manner which unites learning with perspicuity in an extraordinary degree. No person, be he ever so ignorant of law, can experience the least difficulty in following him throughout; and it would be hard to find a work upon a matter so purely professional, and of an aspect so forbidding, less deformed with pedantry, or less exposed to the charge of being either tedious or repulsive.

ART. VIII.—1. *Report from, and Minutes of Evidence taken before, the Select Committee of the House of Lords on the Coal Trade.* Folio. London. 1829.

2. *On the Coal Trade.* Pp. 16. London. 1830.

FUEL occupies a very prominent place amongst the articles most indispensable to existence. In our northern climates, it is, in fact, quite as essential as food or clothes. Its cost forms a large item in the expense of every family—in that of the peasant, as well as of his lord. It also enters deeply into the price of most species of manufactures. Every one knows that the comparatively rapid advancement of Manchester, Birmingham, Glasgow, Leeds, &c., in manufacturing industry, is principally to be ascribed to the great abundance and cheapness of fuel at those places.

Timber is the great article of fuel in France, and most of the Continental states; but with us it is far too scarce and dear to be used as such to any considerable extent. Our deficiency in this respect is, however, of little importance, as we have the good fortune to possess an inexhaustible supply of the very best coal. But this invaluable mineral is not distributed equally over the whole country. The great coal-fields are mostly in the northern counties; and as coal is a very bulky and heavy article, its price is necessarily much enhanced in London and the southern parts of the island, to which it must be conveyed by a distant sea-voyage or by a lengthened inland navigation.

Considering the importance of coal as a necessary of life, and in the arts, one not acquainted with the actual state of the coal trade, would naturally conclude, not only that it would be exempted from every sort of tax or duty, but that every possible facility would be given to the conveyance of coal from the mines to the more distant parts. This is what one would be disposed to infer *à priori*; but we are sorry to say, that this is not the way in which the coal trade of England has been treated. Ge-

generally speaking, our commercial and financial system is founded on more enlarged and liberal principles than that of any other European country; but, in the particular instance of the coal trade, it can lay claim to no such distinction. On the contrary, this important department of industry is subjected to the most unjust and oppressive regulations. And the patience with which they have been submitted to, strikingly evinces the power of custom, in reconciling us to the most pernicious abuses.

Nothing but the pressure of the most overwhelming necessity could ever justify the imposition of a duty on so indispensable an article as coal. Surely, however, if such a tax is to be imposed, it ought to be made equally to affect all classes and districts. What would be thought of Parliament were it to enact that a heavy tax should be laid on all the bread consumed to the south of the Humber, from which all that was made use of to the north of that river should be exempted? Would not such a proceeding be a manifest violation of one of the first duties of Government, which is bound to extend the same protection to all who are under its authority, and to subject them all to the same equal burdens? But this obvious and universally recognised principle has been trampled under foot in the case of the coal duty. It is not made to affect the whole empire, but only particular portions of it. Had it been made to fall exclusively on the inhabitants of those districts where coal is produced, and where it is naturally cheapest, something, perhaps, might have been found to say in its favour; but such is not the case. The duty is imposed on water-borne coals only, or on those that are conveyed to great distances, and does not affect those that are consumed near the mines, or that may be conveyed by land. All the southern counties of England, as Norfolk, Suffolk, Essex, Middlesex, Kent, Surrey, &c., are destitute of coal-mines, and are obliged to import supplies of coal from the north by sea. And because such is the case, because the coal-fields happen to be in Northumberland, Durham, and Lancashire, Government interposes to increase the naturally high price of coal sent to the metropolis and the southern counties, by laying a duty on the sea-borne coal of no less than *six* shillings a-chaldron, being fully fifty per cent upon the price of coals as sold by the miners! Whether there be any tax so grossly unequal and oppressive in Turkey or Spain, we know not; but we believe we may safely affirm, that it has no parallel in any other European country. The nobility and gentry of the North may consume any quantity of coals that they please, without paying a single sixpence of duty. The owners of Alnwick and Raby Castles escape a tax that presses with grinding severity on the poorest

artisan and peasant in the south of England. Whatever may be said as to the equality of Englishmen's rights, it is worse than ludicrous, so long as this tax exists, to talk about the equality of their burdens.

Several statements have recently been made in the House of Commons, which have set, in a very clear point of view, the superior condition of the labouring classes in the northern counties, as compared with those in the South. A good deal of this difference must no doubt be ascribed to the pernicious system so general in the South, of paying wages out of poor's rates. Much, however, must also be ascribed to the operation of the coal duty, and of the various regulations under which the coal trade is conducted. Were there a heavy tax on the beef, bear, or leather, used in the southern counties, which did not extend to the north, does any one doubt that it would have a most injurious effect upon the individuals subjected to its influence? But fuel being quite as indispensable as any of the articles referred to, a tax on it must equally affect those on whom it falls, and must depress their condition, as compared with those who enjoy an exemption from so oppressive an impost. It is singular, that so obvious a cause of the greater poverty of the peasantry of the south should, at least so far as we know, have totally escaped the notice of our legislators.

Besides the duty of 6s. a-chaldron payable to government on coals carried by sea, they are subject, especially those imported into London, to various charges, if possible, still more indefensible. But, before proceeding to investigate these items, we shall lay before our readers some account of the prime cost and price of coal.

Much has frequently been said of the coal-owners' monopoly; but we are satisfied, after a pretty careful investigation of the circumstances, that no such monopoly has ever existed, and that the enormously high price of coal in the metropolis is to be ascribed wholly to the various duties and charges laid upon it from the time that it passes from the hands of the owner, to the time that it is lodged in the cellar of the consumer. What means have the coal-owners of obtaining a *monopoly price* for their coal? They enjoy no exclusive privileges of any sort; they are a numerous body; and the trade is as open as any one else to all capitalists to engage in. Instead of the business of coal-mining being, generally speaking, an advantageous one, it is distinctly the reverse. Sometimes, no doubt, large fortunes have been made by individuals and associations engaged in this business, but these are rare instances. The opening

of a mine is a very expensive and hazardous operation, and of very uncertain result. Collieries are exposed to an infinite number of accidents, against which no caution can guard. The chances of explosion have, it is true, been a good deal lessened by the introduction of Sir Humphrey Davy's lamp; and some mines are now wrought that, but for the invention of this admirable instrument, must have been entirely abandoned. But besides explosions, which are still every now and then occurring, from the carelessness of the workmen, and other contingencies, mines are very liable to be destroyed by *creeps*, or by the sinking of the roof, and by drowning, or the irruption of water from old workings, through fissures which cannot be seen, and consequently cannot be guarded against. So great, indeed, is the hazard attending this sort of property, that it has never been possible to effect an insurance on a coal-work.

Mr Buddle, of Wallsend, a coal-owner and engineer of the highest respectability, and intimately acquainted with the state of the coal trade, informed the late Committee of the House of Lords, that 'Although many collieries, in the hands of fortunate individuals and companies, have been perhaps making more than might be deemed a reasonable and fair profit, according to their risk, like a prize in a lottery; yet, as a trade, taking the whole capital employed on both rivers, he should say that certainly it has not been so.'—(Report, p. 56.) Again, being asked, 'What have the coal-owners on the Tyne and Wear, in your opinion, generally made on their capital employed?' He replied, 'According to the best of my knowledge, I should think that *by no means ten per cent has been made as simple interest, without allowing any extra interest for the redemption of capital.*'—(P. 57.)

In addition to the vast expense attending the sinking of shafts, the erection of steam-engines, &c., and the risk of accidents, the coal, after being brought to the surface, has frequently to be conveyed seven or eight miles to the place of shipping; and those whose collieries are in that situation, have to pay *way-leave* rents, amounting, in some cases, to L.500 a-year, for liberty to open a communication, or a rail-road, through the properties lying between them and the shore.

But the coal-owner is subjected to still farther difficulties. The smallness of the coal used in London is uniformly remarked by every individual from the north who visits the metropolis. And yet, singular as it may seem, none but large coals are shipped from the Tyne and the Wear for London. The cause of the metamorphosis which the coal undergoes in its passage to the consumer is not, however, difficult to discover;

and it strikingly illustrates the nature of the regulations under which the trade is placed. Coals are nominally sold by the owners to the shippers by weight, or by the chaldron waggon, which is *supposed* to contain, when full, 53 cwt., and is stamped as such at the Custom-House. But the weight of the waggon depends in a great degree on the size of the pieces with which it is filled, so that in point of fact coal is sold by measure. It is stated by the celebrated Dr Hutton that, ‘If one coal, measuring exactly a cubic yard, (nearly equal to five bolls,) be broken into pieces of a moderate size, it will measure seven bolls and a half; if broken very small, it will measure nine bolls; which shows that the proportion of the weight to the measure depends upon the size of the coals; therefore accounting by weight is the most rational method.’ The shippers are well aware of this, and insist upon the coal-owners supplying them with large coal only; and to such an extent is this principle carried, that all coal for the London market is *screened*, as it is technically termed, or passed over gratings which separate the smaller pieces. Inasmuch, however, as coals are sold in all their subsequent stages by measure, no sooner have they been delivered by the owner, than it is for the interest of every one else into whose hands they may come before reaching the consumer, to break them into smaller portions. ‘The ship-owner,’ says Mr Buddle, ‘and every person from the consumer through the whole chain of dealers in coal up to the coal-owners, cry out for round coals; what is the object of that? Although our waggons are loaded by weight, it is quite notorious we sell by measure; and every hand that those coals pass through, from the mine down to the cellar of the consumer, every time they are lifted, an increase of measure takes place; consequently every man, from the coal-owner to the consumer, is benefited by every breakage of the coal. This has been carried in some instances to such an extent, that I have found it necessary to place persons on board ships to prevent the crew from breaking the coals with the carpenters’ mauls! I believe that the profit of many of the retailers in London arises chiefly from the increase of measure by the breakage of the coal.’—(P. 59.)

That such a system should have been so long persevered in, is truly astonishing. Some scores of acts of Parliament have been passed to preserve the public from fraud in the measuring of coal, and yet any coal-merchant who chooses to break his coal a little smaller than his neighbours, will, by making the same quantity measure farther, defraud his customers quite as effectually as if he sold them larger coal in a deficient measure. But though the attention of Honourable Gentlemen has been repeated-

ly called to this easy method of defrauding the unsuspecting citizens, it does not seem to have ever attracted the smallest portion of their concern. They have continued, with an Irish sort of discernment, to occupy themselves in stopping up the spigot, while the liquor was running out at the bung-hole.

But what has been already stated is not sufficient to show the whole mischief arising from the regulations enforcing the sale of coal by measure. The quantity of coal separated by the process of *screening* is often very great,—amounting, in some cases, to from 20 to 25 per cent of the whole; and the greater part of this residue, containing a portion of the very best coal, is *burned on the spot*. ‘I have known,’ says Mr Buddle, ‘at one colliery, as many as from 90 to 100 chaldrons a-day destroyed. If they were not consumed, they would cover the whole surface, and in the burning of them they are extremely destructive; *they destroy the crops a great way round, and we pay large sums for injury done to the crops, and for damage to ground.*’—(P. 72.) The waste of coal is in this way enormous; and the coal-owner is obliged to charge a higher price upon the coal sold, in order to indemnify himself for the loss of so great a quantity, and for the mischief he does to others in burning.

The sale of coals by weight instead of measure would, therefore, be a great and signal improvement. It would, by relieving the coal-owner from the necessity of *screening*, enable him to sell his coal considerably cheaper; it would take away all motive from the shippers and retailers to break the coal; and it would afford the best attainable security to the public against the frauds to which they are now exposed.

It has, however, been said by those who profit by the existing system, that the sale of coal by weight would not really put a stop to fraud, but would merely turn it into a new channel; and make that be done by *wetting* coal, which is now done by selling it in deficient measures. But the fallacy of this representation is obvious. Very few individuals ever think of re-measuring the coal brought to them; and besides, as has been already shown, the correctness of the measure is no security against fraud, so long as it is impossible to regulate the size of coal. But were coals sold by weight, every one would see, at once, whether they were unusually wet; and any dealer who should attempt to defraud his customers in this way, would immediately lose his employment. Luckily, however, it is not necessary to argue this point speculatively. It has been decided by the experience of Scotland. Coals are here uniformly sold by weight, and we are not aware of its ever being stated that the practice causes them to be unduly wetted. Nothing, therefore, can be more futile than this objection to the plan of selling by weight; and we do

hope that the Legislature will at length see the necessity of interposing to put an end to the practice of selling by measure,—a practice which, while it raises the price, and occasions the destruction of a vast quantity of coal, opens a door to the commission of every species of fraud.

In despite, however, of the heavy expense attending the digging of coal from the mine, and conveying it to the shore, and of the waste occasioned by *screening*, the coal-owner only receives from 12 to 14 shillings the chaldron, for that very coal which is afterwards sold in London for 50 or 55 shillings! And enormous as this difference must appear, it is less than it really amounts to; for owing to the breakage that the coal undergoes, it may, we are assured, be moderately estimated, that *five* chaldron of coal at Newcastle or Sunderland, are expanded into six or seven, previously to their being lodged in the consumer's cellar. We shall now very briefly enquire into the items which *quadruple* the price of coal in its transit from the owners to the consumers. These have been specified in the evidence of Mr Buddle, (p. 21.) from which the following account has been drawn up. The charges are all per London chaldron.

Charges in Sunderland Harbour.

Fittage and keel dues, when loaded by tubs, L.	s.	d.	L.	s.	d.
(the most expensive method,) including conveyance by water for seven miles, ...	0	3	3		
Casting into ship, ...	0	0	8½		
Trimming in ship, ...	0	0	2¾		
Coast lights, &c. &c.	0	0	5		
Pilotage and assistance to sea from Sunderland, 0	0	2½			
			0	4	9¾

Charges in the Port of London.

Government duty, paid at the Custom-house, .	0	6	0		
Average rate of freight from Sunderland to London, ...	0	11	0		
			0	17	0

Dues, chiefly Municipal, in the Port of London.

Orphan's duty, ...	0	0	10		
Metage, ...	0	0	4		
Market dues, to defray purchase of Coal Exchange, ...	0	0	1		
Meter, ...	0	0	4		
Factor's Commission, ...	0	0	4		
Carried forward,	0	1	11	1	3 8¾

	L.	s.	d.	L.	s.	d.
Brought over,	0	1	11	1	3	8½
Storage allowed to the buyers, being 2 per cent upon two-thirds of the quantity sold, liable to fluctuation, but may be stated to average	0	0	6			
Trinity dues and Stamps,	0	0	4			
Water Bailage, and Lord Mayor for permit, Clerk of Meter's Office, and other charges,	0	0	0½			
In grain allowed to buyers, 5 per cent on the average, may be stated to average	0	2	0			
				0	4	9½

Charges of Delivery from the Ship to the Consumer's cellar.

Coal-whipper, (or deliverer from the ship into the barge,)	0	1	7			
Lighterage to the coal-buyer's wharf, ...	0	2	0			
Cartage, including the loading of waggons, ...	0	7	0			
Unloading from the waggon to the cellar, called shooting, variable, but averages	0	1	6			
Land metage, by Act of Parliament, ...	0	0	6			
Buyer's commission, ...	0	1	0			
				0	13	7
Total expenses, exclusive of price paid to the coal-owner, ...				2	0	2½

Prices paid to the Coal-Owner by the Fitter.

For Stewart's Wallsend, ...	0	14	0			
For Eden Main, ...	0	12	0			
Average, ...	0	13	0			
Deduct duty paid by the coal-owner to the Commissioners of the River Wear, for improving the navigation of the River and Harbour, ...	0	0	3			
				0	12	9
				2	12	11½

Abstract.

Charges in the river Wear, for 7 miles' carriage, loading and reloading, &c. &c.	0	4	9¾
Government duty, ...	0	6	0
Freight, ...	0	11	0
Municipal dues, ...	0	4	9½
Charges of delivery from the vessel into cellar of the consumer, ...	0	13	7
Original price received by the coal-owner, ...	0	12	9

With respect to these charges, we believe that very little reduction can be looked for in those incurred in the Wear, or in the rate of freight. The shippers complain, that at eleven shillings a-chaldron they are rather losers; and it is abundantly certain, that if their profits exceeded those of other ship-owners, competition would speedily sink them to the common level. The charges for coast lights, Trinity corporation dues, &c. are, indeed, very heavy; and were they reduced, as they certainly might, some reduction might be made in the charges on account of freight.

But with respect to the other dues, consisting of the government duty, the municipal dues, and the charge on account of deliverance to the consumer, amounting in all to no less than 34s. 4½d. a-chaldron, we have no hesitation in saying, that they may, and ought to be, reduced a half.

I. With respect, in the first place, to the government duty of six shillings a-chaldron, it is unnecessary to repeat what we have already stated as to it. A tax so grossly unequal and oppressive, is a disgrace to the country, and ought to be unconditionally repealed. The duty amounts to about L.800,000.* This

* The entire gross duty derived from *water-borne* coal in 1828 was L.922,682. This, however, not only includes the sea-borne coal, but the duty, to which reference will afterwards be made, of one shilling a chaldron on coals brought to London by canals. Subjoined is an official 'Account of the Annual Revenue derived by Government from the Duty on 'Coals for the last ten years; distinguishing the amount received for Home 'and Foreign Duty.'

CUSTOMS REVENUE ON COALS, CINDERS, and CULM.															
Years.	Gross Revenue.						Total Gross Revenue.	Deductions from the Gross Revenue for Draw-backs on Exportation, &c. and Repayments on Over-Entries.	Net Produce of the Duties on Coals, Cinders, and Culm in the United Kingdom.						
	On Coals, Cinders, and Culm, brought or carried Coastwise, or by Inland Navigation in the United Kingdom.			On Coals, Cinders, and Culm, exported to Foreign Parts.											
	L.	s.	d.	L.	s.	d.	L.	s.	d.	L.	s.	d.	L.	s.	d.
1819	957,899	9	10½	48,861	7	11½	1,006,760	17	9¾	19,891	13	2½	986,869	4	7½
1820	1,086,564	17	3½	48,359	3	9	1,134,924	1	0¾	18,928	13	3	1,115,995	7	9½
1821	1,019,865	10	5½	50,911	13	1½	1,070,777	3	6¾	20,744	9	2½	1,050,032	14	4½
1822	1,006,506	2	3½	52,771	4	6½	1,059,277	6	10	21,425	0	8	1,037,852	6	2
1823	1,145,659	1	3½	44,020	5	6½	1,189,679	6	9½	21,911	8	10½	1,167,767	17	11
1824	948,810	16	10	42,821	16	10½	991,632	13	8¾	23,340	17	3½	968,291	16	5½
1825	899,918	14	9½	43,421	1	10	943,339	16	7½	26,109	11	9½	917,230	4	10½
1826	972,839	19	9½	40,553	17	8	1,013,393	17	5½	26,309	19	10	987,083	17	7½
1827	862,526	8	6½	45,182	0	8	907,718	17	9½	24,340	8	4½	883,369	9	4½
1828	922,682	1	4½	41,423	6	2	964,105	7	6½	28,017	2	8½	936,088	4	10

sum is not very considerable; but it must not be imagined that the repeal of the coal tax would cause a corresponding reduction of the revenue. The fall in the price of coals, consequent to the reduction of the duty, would give the consumers greater means of purchasing other things. Most of the considerable buyers of coal, including all the middle and upper classes, would immediately expend, if not the whole, at least a very large part, of whatever they saved by the reduction of its price in the purchase of additional quantities of taxed articles. But the beneficial influence of this measure would not be confined to its effects on these classes—it would materially improve the condition of the whole population of London, and of the southern counties; and there would also, in consequence of the greater demand for coal, be a decided improvement in the condition of the very numerous body of persons engaged, as miners, sailors, &c., in the trade. It is almost superfluous to add, that the lower classes, according as they became better able to afford them, would infallibly increase their consumption of tea, sugar, beer, spirits, tobacco, &c., or of those articles that are the great sources of revenue; so that we believe it may be confidently predicted, that instead of losing, the revenue would, in a very short period, be materially benefited by the repeal of the coal duty.

We hope and believe that ministers will take this view of the matter; but if they resolve upon continuing the duty, they are bound to take measures for rendering it equal. It is against all justice that a heavy burden should be laid upon certain districts, from which others, quite as rich, are totally exempted. To render the pressure of the tax equal and universal, the obvious plan is to lay it indiscriminately upon all coals brought to the mouth of the pit; and those best acquainted with the circumstances state, that if it be imposed in this way, a duty of one shilling a-chaldron will yield a revenue equal to that which is now derived from the six shillings on sea-borne coal.

But there are very great, if not insuperable, difficulties in the way of a measure of this sort. It would not be possible to make any exception in favour of the coal used by manufacturers; and it is not to be doubted that a duty even of one shilling a-chaldron would be exceedingly injurious to almost all descriptions of manufactures, and particularly to those of iron, which are in the most depressed condition. But this very circumstance is of itself a conclusive argument in favour of the unconditional repeal of the duty. Every one who reflects on its operation, or who is aware of the poverty of the labouring classes in the southern counties, and of the severe privations the tax imposes on them, must be satisfied that *its continuance on its present footing is out*

of the question. And if the interest of our manufacturing establishments, to the successful prosecution of which cheap coal is so essential, will not allow the duty to be equalised, nothing remains but to abolish it. This would be a signal boon to all classes, and would do more than any other measure to improve the condition of the impoverished peasantry of the South.

II. The different charges laid on coal in the port of London amount in all to 4s. 9½d. a-chaldron. Amongst others, there is the orphans' duty, as it is termed, amounting to tenpence. This duty was imposed by statute in 1694, to enable the city of London to discharge the principal and interest of a debt due from them to the orphans, and other creditors referred to in the act; and it is of importance to observe, that the various sums collected by the city under the statute in question had liquidated the entire debt for the payment of which the duty was originally granted, so far back as 1782. But the corporation has contrived to get one charge after another thrown upon this duty; and it is at present appropriated to the payment of the sums borrowed to complete the approaches to the new London bridge. A Committee of the House of Commons investigated the subject of the orphans' duty last session, and recommended that a bill be brought in for the ultimate liberation and extinction of the fund, after the purposes to which it is at present applicable, have been accomplished. We trust that this recommendation will be attended to, and that, though this duty cannot, perhaps, be immediately got rid of, a security may be obtained for its final abolition.

The charge for metage and meter, amounting to eightpence a-chaldron, might and ought to be reduced to at least a half. Those who are employed in the North to measure the coals brought to bank by the pitmen, get only *three* farthings, while the civic functionary, the meter, is allowed *sixteen* farthings for a far less onerous duty!

III. But the charges which attend the delivery of the coals from the ship to the consumer's cellar, are the most scandalously oppressive. In fact, the charge for conveying a chaldron of coals from a little below London bridge to the consumers in the city, amounts to no less than 13s. 7d.; being *quite as much as the prime cost of the coal*, including the rent of the landlord, the expense of mining, of bringing the coals to the surface of the mine, and carrying them to the shore! Is it necessary to say another word to convince every reasonable man of the existence of intolerable abuses in this department of the trade?

Of the items which make up this sum of 13s. 7d. the first is the fee of the coal-whipper, or coal-heaver—that is, the deliverer of the coals from the ship to the barge or lighter. This fee is 1s. 7d., and is at least *six* times as great as it ought to be. At New-

castle and Sunderland, the filling of a chaldron of coal into the waggon costs from 1½d. to 1¾d.; and admitting that it is a little more difficult to raise them from the hold, still, if 3d. or 3½d. were allowed, it would be a most liberal payment. But the truth is, that this item should be struck off altogether. It is occasioned by a regulation which prevents the crew of the collier from performing this indispensable part of their peculiar duty. In the out-ports, to which luckily this preposterous regulation does not extend, the crew act as coal-heavers, and they do so without either asking or obtaining additional wages. And there certainly is no reason whatever for supposing that the case would be in any respect different in the port of London, were it not for the circumstance referred to. In 1828, the importation of coal into the metropolis amounted to 1,541,000 chaldrons; the coal-heavers' charge on which is no less than L.121,980 sterling; every shilling of which may be saved to the citizens by simply allowing the crew to perform the function of coal-heavers.*

To show how widely the abuses which infect the coal trade are ramified, we may mention that the coal-heavers are furnished to the shippers by a class of persons denominated *undertakers*. These are generally keepers of public-houses; and the coal-heaver who should neglect to run up a goodly score at the undertaker's would stand but a bad chance of getting employment. Hence, though the wages of coal-heavers be extremely high, they are, notwithstanding, for the most part, very poor. Three-fourths of their earnings are laid out on beer. They are compelled to drink, not because they like it, but because it is for the advantage of the undertaker. Is it to be endured that the citizens should be taxed L.122,000 a-year to support such a system?

The next item in the charge of delivery is *lighterage*, being a sum of two shillings a-chaldron paid for conveying the coals from the ship to the wharf. This charge is not quite so objectionable

* The following is an official account of the import of coal into London since 1820.

Years.	Chaldrons.	Years.	Chaldrons.
1820	1,280,114	1825	1,443,193
1821	1,312,730	1826	1,475,809
1822	1,345,345	1827	1,508,425
1823	1,377,961	1828	1,541,041
1824	1,410,577		

as the preceding, but still it seems to be in no ordinary degree exorbitant. It is mentioned by Mr Buddle, in his evidence, (p. 121,) that the Tyne keelmen, who take the coals from the spouts or staiths, as they are termed, to deliver them to the ships, are paid only 1s. 3d. a-chaldron, though they have to navigate *their keels from seven to eight miles*, and though it be far more difficult to shovel the coals from the keels into the port-holes of the ships, than from a lighter to a wharf. Were the charge for lighterage reduced to the same level in the Thames as in the Tyne, it would not certainly exceed eightpence or ninepence a-chaldron.

The third item in the charge for delivery, is 7s. a-chaldron for cartage, from the wharf to the consumer's residence. The only way to judge of the reasonableness of this charge, is by comparing it with the sums charged for similar work done elsewhere. Now, assuming the average weight of the chaldron to be 27 cwt., and the average distance to which coals are carted one mile and a half, the charge will be 3s. 5½d. per ton, per mile; but in the North, in Durham, Lancashire, &c., it is usual to let the cartage of coals, including the loading, by contract, at from 7d. to 8d. a-ton on turnpike roads, and 9d. and 10d. on heavy country roads. So that the expense of cartage in London is *four or five times* as much as it costs in the North;—a difference which cannot be accounted for by the greater expense attending the keep of men, horses, &c. in the metropolis, and is almost entirely a consequence of the perverse regulations under which the trade is conducted.

Exclusive of the enormous charge of 7s. for cartage, there is a farther charge of 1s. 6d. for *shooting*, that is, for unloading the waggon into the cellar. Next to the item for whippers, this is the most outrageous overcharge in this lengthened catalogue of abuses. There are thousands of labourers in London, who would be glad to be allowed to perform the same work for 3d. or 4d., for which the citizens are obliged to pay 1s. 6d. Indeed, we believe it might be done for a good deal less. Mr Buddle says, 'At the rate we pay our waggon-men for filling the waggons, *I believe they would be very glad for 2d. to heave these same coals out of the cellar again up the hole*' (p. 121);—an operation which, every one knows, would be about ten times as troublesome as pouring them down.

On the whole, therefore, we are well convinced, that were the practice of selling by weight introduced, the government duty of 6s. a-chaldron repealed, and the trade placed on a proper footing, a reduction of at least 16s. or 18s. a-chaldron might be effected upon the price of coal brought to London. But supposing the reduction to amount to only 15s., it would be a gain

to the citizens of no less than TWELVE HUNDRED THOUSAND POUNDS *a-year*. Nothing, indeed, would redound so much to the advantage of all classes in the metropolis; nor is there any one object that they ought to exert themselves so much to achieve, as the abolition of the coal duty, and of the various regulations and charges by which the price of coal is so enormously enhanced.

But, as has been already seen, the abolition of the duty would not only be a vast boon to the metropolis, but to the whole southern parts of the empire, as well as to the coal districts; and we do hope and believe, that no long period will elapse till we shall be enabled to congratulate our readers upon the repeal of this most unequal and most oppressive tax.

Besides the 6s. of duty which affects all coals that are conveyed by sea, there is an additional 1s. of duty laid on those exported from the Tyne. This peculiar duty is denominated the *Richmond shilling*, in consequence of its having been granted by Charles II. to the Duke of Richmond. It was purchased up by government in 1799, and ought to have been repealed forthwith. It is bad enough, certainly, to lay an exclusive tax on sea-borne coal; but it is infinitely worse, to lay a comparatively high duty on the coal sent from a particular river.

A small supply of coal is brought to London from Staffordshire by canal navigation. This coal is loaded with a duty of 1s. a-chaldron. But this duty ought to share the same fate as that laid on sea-borne coal. It yields very little revenue, and may therefore be abolished without any difficulty.

Besides abolishing the duty on sea-borne coal, and on that conveyed to London by canals, it would be greatly for the public advantage, were a change made in the magnitude and mode of assessing the duties on exported coal. Nothing can match the absurdity of the mode in which these duties are at present imposed. It has been said, that by allowing coal to be exported at a low duty, the Netherlands and French might advantageously employ it in their manufacturing establishments; and to guard against this contingency, a high duty has been laid on its exportation. We are not aware that any other reason has ever been assigned in vindication of the existing regulations with regard to exported coal; and yet, inexplicable as it may seem, *small* coal, or that very coal which is used in manufactories, is allowed to be exported at a duty of 4s. 6d. a-chaldron, while *large* coal, or that which is exclusively used in dwelling-houses, is burdened with the enormous duty of 17s. ! We are sorry we cannot specify the individual to whose sagacity we are indebted for the arrangement of this duty; but Mr

Sadler would do well to find him out, and consult him on his forthcoming work.

But notwithstanding the low duty on the coal used in manufactories, the greatest export of it that has taken place in any one year, was only 60,815 chaldrons. This shows, that the apprehensions entertained of its being extensively exported, are in a great degree visionary. However, it would, we think, be good policy to impose an equal duty of 5s. or 6s. a-chaldron on all coals exported; as, by this means, a check would be given to the export of that which may be used in the arts, at the same time that a vast additional facility would be given to the export of that which is used for domestic purposes only. Were a measure of this sort adopted, it may be fairly inferred, that the revenue from exported coal would be at least doubled or trebled.

It has, indeed, been sometimes said, that the exportation of coal ought to be prohibited altogether; that the coal-fields of Great Britain are but of limited extent; that the supply of the home consumption will ultimately exhaust them; and that nothing should be done to accelerate, but every thing that is possible to avert, an event that will most probably be destructive to our superiority in the arts. But nothing can be more futile than these apprehensions. Although the foreign coal trade were absolutely free, our readers may be assured, that the national debt will be every shilling paid off many centuries before posterity begins to feel any serious falling off in the supply of coal.

A very intelligent gentleman, Mr Hugh Taylor, coal-owner and coal-agent for the Duke of Northumberland, laid the following interesting estimates before the Committee of the House of Lords.

An ESTIMATE of the EXTENT and PRODUCE of the DURHAM and NORTHUMBERLAND COAL FIELDS.

DURHAM.

	Square Miles.
From South Shields southward to Castle Eden, twenty-one miles; thence westward to West Auckland, thirty-two miles; north-east from West Auckland to Eltringham, thirty-three miles; and thence to Shields, twenty-two miles, being an extent or area of	594

NORTHUMBERLAND.

From Shields northward, twenty-seven miles, by an average breadth of nine miles,	243
	837

PORTION EXCAVATED.

	Square Miles.
In Durham,	
On Tyne, say - - - - -	39
On Wear - - - - -	40
	79
In Northumberland,	
Say thirteen miles by two, - -	26
	105
	732

	Tons.
Estimating the workable coal strata at an average thickness of twelve feet, the contract of one square mile will be 12,390,000 tons, and of 732 square miles, - - - - -	9,069,480,000
Deduct one-third part for loss by small coal, inter-ceptions by dikes, and other interruptions, - - - - -	3,023,160,000
Remainder, - - - - -	6,046,320,000

This remainder is adequate to supply the present vend from Newcastle, Sunderland, Hartley, Blyth, and Stockton, of 3,500,000 tons, for a period of 1727 years.

It will be understood that this estimate of the quantity of coal in Durham and Northumberland can only be an approximation, especially as the south-eastern coal district of Durham is yet almost wholly unexplored; but the attempt is made in the hope of satisfying your Lordships that no apprehension need be entertained of this valuable mineral being exhausted for many future generations.

There is also a considerable extent of coal-field in the northern and south-western districts of Northumberland; but the foregoing comprizes that which is continuous, and most suitable and available for exportation.

Analogous Estimate of the Consumption of Coal in Great Britain.

	Tons.
The annual vend of coals carried coastwise from Durham and Northumberland is, - - -	3,800,000
Home consumption, say one-fifth, - - -	660,000
	3,960,000

Which quantity supplies about 5,000,000 persons ; and supposing the whole population of Great Britain to be 15,000,000, this must be trebled ; for though these two-thirds of population are per- haps less able to afford fuel, yet taking into con- sideration the manufacturing districts, and the cheapness of coal in the interior, the estimate will not be too high,	Tons.	
		11,880,000
Consumed by iron works, say 600,000 tons of metal, to produce which requires at least four times the quantity of coal in making even pig metal, and the extraordinary consumption in the Cornwall, &c. mines,		3,000,000
Consumed in Great Britain,		14,880,000
Exported to Ireland, say,		700,000
Total tons, exclusive of foreign exportation,		15,580,000

We regret that we are not able to lay before our readers any satisfactory information with respect to the coal trade at Whitehaven, and along the western shores of the island. But when we take into account the vast extent of the coal fields in Cumberland, Lancashire, Staffordshire, &c. there is not the shadow of a ground for anticipating any deficiency of this valuable article for many centuries.

Mr Buddle gives the following estimate of the number of persons engaged in the different departments of the coal trade on the Tyne and Wear, in the conveyance of coal to London, and in the London coal trade.—

‘ I hold a paper in my hand stating the number of people employed in the coal trade in each department. I would beg to observe, the returns from the Tyne are official documents ; from the Wear I have no returns, but it is by an approximate calculation. The number of persons employed under ground on the Tyne are,—men, 4,937, boys, 3,554, together, 8,491 ; above ground, men, 2,745, boys, 718, making 3,463 ; making the total employed in the mines above and belowground 11,954, which in round numbers I call 12,000, because I am pretty sure there were some omissions in the returns. On the river Wear, I conceive there are 9,000 employed ; making 21,000 employed in digging the coal and delivering it to the ships on the two rivers. From the best calculations I have been able to make, it would appear, that, averaging the coasting vessels that carry coals at the size of 220 London chaldrons each vessel, there would be 1,400 vessels employed, which would require 15,000 seamen and boys. I have made a summary. There are seamen, 15,000 ; pitmen and above-ground people employed at the collieries, 21,000 ; keelmen, coal-boatmen, casters, and

trimmers, 2000; making the total number employed in what I call the Northern Coal Trade 38,000. In London, whippers, lightermen, and so forth, 5,000; factors, agents, &c. on the Coal Exchange, 2,500; 7,500 in all, in London. Making the grand total in the north country and London departments of the trade, 45,500. This does not, of course, include the persons employed at the outports in discharging the ships there.'

In another place, (p. 53,) Mr Buddle states, that 'Colliers' are always paid by the piece,' and consequently their wages, although at the same rate per chaldron, vary according to the quantity of work they have to do; and it is difficult to form an average, they vary so very considerably; they have varied from 14s. a-week to in some instances 40s. The colliers can earn up to 5s. or even more per day; but there is no employment for them; they have seldom been earning more than half that sum during the last year, (1828); 2s. 6d. is the certain wages that they are hired to receive from their employers, whether they are employed or not; that is a tax on the coal-owner, during the suspension of his colliery from any accident, for he pays them their wages whether they are employed or not.—The men have the option of finding work elsewhere; but if they cannot do so, they may call upon their master to pay them 14s. a-week; it was 15s. a-week till last year.

Sea-borne coal imported into any port of Ireland is charged with a duty of 1s. 7½d. a-ton, or 2s. 5d. a-chaldron. But in order to provide a fund for improvements, that which is imported into the port of Dublin is charged with an additional duty of 11d. a-ton! The duties on sea-borne coals imported into Wales are nearly the same as those on importation into Ireland. Scotland is fortunately exempted from this odious impost.

ART. IX.—1. *The Omnipresence of the Deity, a Poem.* By ROBERT MONTGOMERY. Eleventh Edition. London. 1830.

2. *Satan, a Poem.* By ROBERT MONTGOMERY. Second Edition. London. 1830.

THE wise men of antiquity loved to convey instruction under the covering of apologue; and, though this practice of theirs is generally thought childish, we shall make no apology for adopting it on the present occasion. A generation which has bought eleven editions of a poem by Mr Robert Montgomery, may well condescend to listen to a fable of Pilpay.

A pious Brahmin, it is written, made a vow that on a certain day he would sacrifice a sheep, and on the appointed morning he went forth to buy one. There lived in his neighbourhood three rogues who knew of his vow, and laid a scheme for profiting by it. The first met him and said, 'Oh, Brahmin, wilt thou buy a sheep? I have one fit for sacrifice.'—'It is for that very purpose,' said the holy man, 'that I came forth this day.' Then the impostor opened a bag, and brought out of it an unclean beast, an ugly dog, lame and blind. Thereon the Brahmin cried out, 'Wretch, who touchest things impure, and utterest things untrue, callest thou that cur a sheep?'—'Truly,' answered the other, 'it is a sheep of the finest fleece, and of the sweetest flesh. Oh, Brahmin, it will be an offering most acceptable to the gods.'—'Friend,' said the Brahmin, 'either thou or I must be blind.'

Just then one of the accomplices came up. 'Praised be the gods,' said this second rogue, 'that I have been saved the trouble of going to the market for a sheep! This is such a sheep as I wanted. For how much wilt thou sell it?' When the Brahmin heard this, his mind wavered to and fro, like one swinging in the air at a holy festival. 'Sir,' said he to the new comer, 'take heed what thou dost; this is no sheep, but an unclean cur.'—'Oh, Brahmin,' said the new comer, 'thou art drunk or mad!'

At this time the third confederate drew near. 'Let us ask this man,' said the Brahmin, 'what the creature is, and I will stand by what he shall say.' To this the others agreed; and the Brahmin called out, 'Oh, stranger, what dost thou call this beast?'—'Surely, oh, Brahmin,' said the knave, 'it is a fine sheep.' Then the Brahmin said, 'Surely the gods have taken away my senses,'—and he asked pardon of him who carried the dog, and bought it for a measure of rice and a pot of ghee, and offered it up to the gods, who, being wroth at this unclean sacrifice, smote him with a sore disease in all his joints.

Thus, or nearly thus, if we remember rightly, runs the story of the Sanscrit *Æsop*. The moral, like the moral of every fable that is worth the telling, lies on the surface. The writer evidently means to caution us against the practices of puffers,—a class of people who have more than once talked the public into the most absurd errors, but who surely never played a more curious, or a more difficult, trick, than when they passed Mr Robert Montgomery off upon the world as a great poet.

In an age, in which there are so few readers that a writer cannot subsist on the sum arising from the sale of his works, no man who has not an independent fortune can devote himself to

literary pursuits, unless he is assisted by patronage. In such an age, accordingly, men of letters too often pass their lives in dangling at the heels of the wealthy and powerful; and all the faults which dependence tends to produce, pass into their character. They become the parasites and slaves of the great. It is melancholy to think how many of the highest and most exquisitely formed of human intellects have been condemned to the ignominious labour of disposing the commonplaces of adulation in new forms, and brightening them into new splendour. Horace, invoking Augustus in the most enthusiastic language of religious veneration,—Statius flattering a tyrant, and the minion of a tyrant, for a morsel of bread,—Ariosto versifying the whole genealogy of a niggardly patron,—Tasso extolling the heroic virtues of the wretched creature who locked him up in a mad-house,—these are but a few of the instances which might easily be given of the degradation to which those must submit, who, not possessing a competent fortune, are resolved to write when there are scarcely any who read.

This evil the progress of the human mind tends to remove. As a taste for books becomes more and more common, the patronage of individuals becomes less and less necessary. In the earlier part of the last century a marked change took place. The tone of literary men, both in this country and in France, became higher and more independent. Pope boasted that he was the ‘one poet’ who had ‘pleased by many ways;’ he derided the soft dedications with which Halifax had been fed,—asserted his own superiority over the pensioned Boileau,—and gloried in being not the follower, but the friend, of nobles and princes. The explanation of all this is very simple. Pope was the first Englishman who, by the mere sale of his writings, realised a sum which enabled him to live in comfort and in perfect independence. Johnson extols him for the magnanimity which he showed in inscribing his *Iliad*, not to a minister or a peer, but to Congreve. In our time, this would scarcely be a subject for praise. Nobody is astonished when Mr Moore pays a compliment of this kind to Sir Walter Scott, or Sir Walter Scott to Mr Moore. The idea of either of those gentlemen looking out for some lord who would be likely to give him a few guineas in return for a fulsome dedication, seems laughably incongruous. Yet this is exactly what Dryden or Otway would have done; and it would be hard to blame them for it. Otway is said to have been choked with a piece of bread which he devoured in the rage of hunger; and, whether this story be true or false, he was beyond all question miserably poor. Dryden, at near seventy,

when at the head of the literary men of England, without equal or second, received three hundred pounds for his *Fables*,—a collection of ten thousand verses,—and such verses as no man then living, except himself, could have produced. Pope, at thirty, had laid up between six and seven thousand pounds,—the fruits of his poetry. It was not, we suspect, because he had a higher spirit, or a more scrupulous conscience, than his predecessors, but because he had a larger income, that he kept up the dignity of the literary character so much better than they had done.

From the time of Pope to the present day, the readers have been constantly becoming more and more numerous; and the writers, consequently, more and more independent. It is assuredly a great evil, that men fitted by their talents and acquirements to enlighten and charm the world, should be reduced to the necessity of flattering wicked and foolish patrons in return for the very sustenance of life. But though we heartily rejoice that this evil is removed, we cannot but see with concern that another evil has succeeded to it. The public is now the patron, and a most liberal patron. All that the rich and powerful bestowed on authors from the time of *Mæcenas* to that of *Harley* would not, we apprehend, make up a sum equal to that which has been paid by English booksellers to authors during the last thirty years. Men of letters have accordingly ceased to court individuals, and have begun to court the public. They formerly used flattery. They now use puffing.

Whether the old or the new vice be the worse,—whether those who formerly lavished insincere praise on others, or those who now contrive by every art of beggary and bribery to stun the public with praises of themselves, disgrace their vocation the more deeply,—we shall not attempt to decide. But of this we are sure,—that it is high time to make a stand against the new trickery. The puffing of books is now so shamefully and so successfully practised, that it is the duty of all who are anxious for the purity of the national taste, or for the honour of the literary character, to join in discountenancing it. All the pens that ever were employed in magnifying *Bish's* lucky office, *Romanis's* fleecy hosiery, *Packwood's* razor straps, and *Rowland's* *Kalydor*,—all the placard-bearers of *Dr Eady*,—all the wall-chalkers of *Day* and *Martin*,—seem to have taken service with the poets and novelists of this generation. Devices which in the lowest trades are considered as disreputable, are adopted without scruple, and improved upon with a despicable ingenuity by people engaged in a pursuit which never was, and never will be,

considered as a mere trade by any man of honour and virtue. A butcher of the higher class disdains to ticket his meat. A mercer of the higher class would be ashamed to hang up papers in his window inviting the passers-by to look at the stock of a bankrupt, all of the first quality, and going for half the value. We expect some reserve, some decent pride, in our hatter and our bootmaker. But no artifice by which notoriety can be obtained is thought too abject for a man of letters.

It is amusing to think over the history of most of the publications which have had a run during the last few years. The publisher is often the publisher of some periodical work. In this periodical work the first flourish of trumpets is sounded. The peal is then echoed and re-echoed by all the other periodical works over which the publisher or the author, or the author's coterie, may have any influence. The newspapers are for a fortnight filled with puffs of all the various kinds which Sheridan recounted,—direct, oblique, and collusive. Sometimes the praise is laid on thick for simple-minded people. 'Pathetic,' 'sublime,' 'splendid,' 'graceful, brilliant wit,' 'exquisite humour,' and other phrases equally flattering, fall in a shower as thick and as sweet as the sugar-plums at a Roman carnival. Sometimes greater art is used. A sinecure has been offered to the writer if he would suppress his work, or if he would even soften down a few of his incomparable portraits. A distinguished military and political character has challenged the inimitable satirist of the vices of the great; and the puffer is glad to learn that the parties have been bound over to keep the peace. Sometimes it is thought expedient that the puffer should put on a grave face, and utter his panegyric in the form of admonition! 'Such attacks on private character cannot be too much condemned. Even the exuberant wit of our author, and the irresistible power of his withering sarcasm, are no excuses for that utter disregard which he manifests for the feelings of others. We cannot but wonder that a writer of such transcendent talents,—a writer who is evidently no stranger to the kindly charities and sensibilities of our nature, should show so little tenderness to the foibles of noble and distinguished individuals, with whom it is clear, from every page of his work, that he must have been constantly mingling in society.' These are but tame and feeble imitations of the paragraphs with which the daily papers are filled whenever an attorney's clerk or an apothecary's assistant undertakes to tell the public, in bad English and worse French, how people tie their neckcloths and eat their dinners in Grosvenor Square. The editors of the higher and more respectable newspapers usually prefix the words 'Advertisement,' or 'From a Correspondent,' to

such paragraphs. But this makes little difference. The panegyric is extracted, and the significant heading omitted. The fulsome eulogy makes its appearance on the covers of all the Reviews and Magazines, with 'Times' or 'Globe' affixed, though the editors of the Times and the Globe have no more to do with it than with Mr Goss's way of making old rakes young again.

That people who live by personal slander, should practise these arts, is not surprising. Those who stoop to write calumnious books may well stoop to puff them ;—and that the basest of all trades should be carried on in the basest of all manners, is quite proper, and as it should be. But how any man, who has the least self-respect, the least regard for his own personal dignity, can condescend to persecute the public with this Rag-fair importunity, we do not understand. Extreme poverty may, indeed, in some degree, be an excuse for employing these shifts, as it may be an excuse for stealing a leg of mutton. But we really think that a man of spirit and delicacy would quite as soon satisfy his wants in the one way as in the other.

It is no excuse for an author, that the praises of journalists are procured by the money or influence of his publisher, and not by his own. It is his business to take such precautions as may prevent others from doing what must degrade him. It is for his honour as a gentleman, and, if he is really a man of talents, it will eventually be for his honour and interest as a writer, that his works should come before the public, recommended by their own merits alone, and should be discussed with perfect freedom. If his objects be really such as he may own without shame, he will find that they will, in the long run, be better attained by suffering the voice of criticism to be fairly heard. At present, we too often see a writer attempting to obtain literary fame as Shakspeare's usurper obtains sovereignty. The publisher plays Buckingham to the author's Richard. Some few creatures of the conspiracy are dexterously disposed here and there in the crowd. It is the business of these hirelings to throw up their caps, and clap their hands, and utter their *vivas*. The rabble at first stare and wonder, and at last join in shouting for shouting's sake; and thus a crown is placed on a head which has no right to it, by the huzzas of a few servile dependents.

The opinion of the great body of the reading public is very materially influenced even by the unsupported assertions of those who assume a right to criticise. Nor is the public altogether to blame on this account. Most, even of those who have really a great enjoyment in reading, are in the same state, with respect to a book, in which a man, who has never given particular attention to the art of painting, is with respect to a pic-

ture. Every man who has the least sensibility or imagination, derives a certain pleasure from pictures. Yet a man of the highest and finest intellect might, unless he had formed his taste by contemplating the best pictures, be easily persuaded by a knot of connoisseurs that the worst daub in Somerset-house was a miracle of art. If he deserves to be laughed at, it is not for his ignorance of pictures, but for his ignorance of men. He knows that there is a delicacy of taste in painting which he does not possess; that he cannot discriminate hands, as practised judges can; that he is not familiar with the finest models; that he has never looked at them with close attention; and that, when the general effect of a piece has pleased him or displeased him, he has never troubled himself to ascertain why. When, therefore, people whom he thinks more competent to judge than himself, and of whose sincerity he entertains no doubt, assure him that a particular work is exquisitely beautiful, he takes it for granted that they must be in the right. He returns to the examination, resolved to find or imagine beauties; and if he can work himself up into something like admiration, he exults in his own proficiency.

Just such is the manner in which nine readers out of ten judge of a book. They are ashamed to dislike what men, who speak as having authority, declare to be good. At present, however contemptible a poem or a novel may be, there is not the least difficulty in procuring favourable notices of it from all sorts of publications, daily, weekly, and monthly. In the meantime, little or nothing is said on the other side. The author and the publisher are interested in crying up the book. Nobody has any very strong interest in crying it down. Those who are best fitted to guide the public opinion, think it beneath them to expose mere nonsense, and comfort themselves by reflecting that such popularity cannot last. This contemptuous lenity has been carried too far. It is perfectly true, that reputations which have been forced into an unnatural bloom, fade almost as soon as they have expanded; nor have we any apprehensions that puffing will ever raise any scribbler to the rank of a classic. It is, indeed, amusing to turn over some late volumes of periodical works, and to see how many immortal productions have, within a few months, been gathered to the Poems of Blackmore and the novels of Mrs Behn; how many 'profound views of human nature,' and 'exquisite delineations of fashionable manners,' and 'vernal, and sunny, and refreshing thoughts,' and 'high imaginings,' and 'young breathings,' and 'embodyings,' and 'paintings,' and 'minglings with the beauty of the universe,' and 'harmonies which dissolve the soul in a passionate sense of love-

'liness and divinity,' the world has contrived to forget. The names of the books and the writers are buried in as deep an oblivion as the name of the builder of Stonehenge. Some of the well-puffed 'fashionable novels' of the last, hold the pastry of the present year; and others of the class, which are now extolled in language almost too high-flown for the merits of Don Quixote, will, we have no doubt, line the trunks of eighteen hundred and thirty-one. But though we have no apprehensions that puffing will ever confer permanent reputation on the undeserving, we still think its influence most pernicious. Men of real merit will, if they persevere, at last reach the station to which they are entitled, and intruders will be ejected with contempt and derision. But it is no small evil that the avenues to fame should be blocked up by a swarm of noisy, pushing, elbowing pretenders, who, though they will not ultimately be able to make good their own entrance, hinder, in the meantime, those who have a right to enter. All who will not disgrace themselves by joining in the unseemly scuffle must expect to be at first hustled and shouldered back. Some men of talents, accordingly, turn away in dejection from pursuits, in which success appears to bear no proportion to desert. Others employ in self-defence the means by which competitors, far inferior to themselves, appear for a time to obtain a decided advantage. There are few who have sufficient confidence in their own powers, and sufficient elevation of mind, to wait with secure and contemptuous patience, while dunce after dunce presses before them. Those who will not stoop to the baseness of the modern fashion are too often discouraged. Those who stoop to it are always degraded.

We have of late observed with great pleasure some symptoms which lead us to hope, that respectable literary men of all parties are beginning to be impatient of this insufferable nuisance. And we purpose to do what in us lies for the abating of it. We do not think that we can more usefully assist in this good work, than by showing our honest countrymen what that sort of poetry is which puffing can drive through eleven editions; and how easily any bellman might, if a bellman would stoop to the necessary degree of meanness, become 'a master-spirit of the age.' We have no enmity to Mr Robert Montgomery. We know nothing whatever about him, except what we have learned from his books, and from the portrait prefixed to one of them, in which he appears to be doing his very best to look like a man of genius and sensibility, though with less success than his strenuous exertions deserve. We select him, because his works have received more enthusiastic praise, and have deserved more unmixed contempt, than any which, as far as our knowledge

extends, have appeared within the last three or four years. His writing bears the same relation to poetry which a Turkey-carpet bears to a picture. There are colours in the Turkey-carpet, out of which a picture might be made. There are words in Mr Montgomery's verses, which, when disposed in certain orders and combinations, have made, and will again make, good poetry. But, as they now stand, they seem to be put together on principle, in such a manner as to give no image of any thing in the 'heavens above, or in the earth beneath, or in the waters under 'the earth.'

The poem on the *Omnipresence of the Deity* commences with a description of the creation, in which we can find only one thought which has the least pretension to ingenuity, and that one thought is stolen from Dryden, and marred in the stealing—

'Last, softly beautiful as music's close,
Angelic woman into being rose.'

The all-pervading influence of the Supreme Being is then described in a few tolerable lines borrowed from Pope, and a great many intolerable lines of Mr Robert Montgomery's own. The following may stand as a specimen.

'But who could trace Thine unrestricted course,
Though Fancy follow'd with immortal force?
There's not a blossom fondled by the breeze,
There's not a fruit that beautifies the trees,
There's not a particle in sea or air,
But nature owns thy plastic influence there!
With fearful gaze, still be it mine to see
How all is fill'd and vivified by Thee;
Upon thy mirror, earth's majestic view,
To paint Thy Presence, and to feel it too.'

The last two lines contain an excellent specimen of Mr Robert Montgomery's Turkey-carpet style of writing. The majestic view of earth is the mirror of God's presence; and on this mirror Mr Robert Montgomery paints God's presence. The use of a mirror, we submit, is not to be painted upon.

A few more lines, as bad as those which we have quoted, bring us to one of the most amusing instances of literary pilfering which we remember. It might be of use to plagiarists to know as a general rule, that what they steal is, to employ a phrase common in advertisements, of no use to any but the right owner. We never fell in, however, with any plunderer who so little understood how to turn his booty to good account as Mr

Montgomery. Lord Byron, in a passage which every body knows by heart, has said, addressing the sea,

‘ Time writes no wrinkle on thine azure brow.’

Mr Robert Montgomery very coolly appropriates the image, and reproduces the stolen goods in the following form,

‘ And thou, vast Ocean, on whose awful face
Time’s iron feet can print no ruin-trace.’

So may such ill-got gains ever prosper !

The effect which the Ocean produces on Atheists is then described in the following lofty lines :

‘ Oh ! never did the dark-soul’d ATHEIST stand,
And watch the breakers boiling on the strand,
And, while Creation stagger’d at his nod,
Mock the dread presence of the mighty God !
We hear Him in the wind-heaved ocean’s roar,
Hurling her billowy crags upon the shore ;
We hear Him in the riot of the blast,
And shake, while rush the raving whirlwinds past !’

If Mr Robert Montgomery’s genius were not far too free and aspiring to be shackled by the rules of syntax, we should suppose that it is at the nod of the Atheist that creation shudders, and that it is this same dark-souled Atheist who hurls billowy crags upon the shore.

A few more lines bring us to another instance of unprofitable theft. Sir Walter Scott has these lines in the *Lord of the Isles*,

‘ The dew that on the violet lies,
Mocks the dark lustre of thine eyes.’

This is pretty taken separately, and, as is almost always the case with good things of good writers, much prettier in its place than can even be conceived by those who see it only detached from the context. Now for Mr Montgomery—

‘ And the bright dew-bead on the bramble lies,
Like liquid rapture upon beauty’s eyes.’

The comparison of a violet, bright with the dew, to a woman’s eyes, is as perfect as a comparison can be. Sir Walter’s lines are part of a song addressed to a woman, and the comparison is therefore peculiarly natural and graceful. Dew on a bramble, is no more like a woman’s eyes than dew anywhere else. There is a very pretty Eastern tale, of which the fate of plagiarists often reminds us. The slave of a magician saw his master wave his wand, and heard him give orders to the spirits who arose at the summons. He accordingly stole the wand, and waved it himself in the air ; but he had not observed that his master used the left hand for that purpose. The spirits thus irregularly

summoned, tore him to pieces, instead of obeying his orders. There are very few who can safely venture to conjure with the rod of Sir Walter, and we are sure that Mr Robert Montgomery is not one of them.

Mr Campbell, in one of his most pleasant pieces, has this line—

‘ The sentinel stars set their watch in the sky.’

The thought is good—and has a very striking propriety where Mr Campbell has placed it—in the mouth of a soldier telling his dream. But, though Shakspeare assures us that ‘ every true ‘ man’s apparel fits your thief,’ it is by no means the case, as we have already seen, that every true poet’s similitude fits your plagiarist. Let us see how Mr Robert Montgomery uses the image—

‘ Ye quenchless stars ! so eloquently bright,
Untroubled sentries of the shadowy night,
While half the world is lapp’d in downy dreams,
And round the lattice creep your midnight beams,
How sweet to gaze upon your placid eyes,
In lambent beauty looking from the skies.’

Certainly the ideas of eloquence—of untroubled repose—of placid eyes, on the lambent beauty of which it is sweet to gaze, harmonize admirably with the idea of a sentry !

We would not be understood, however, to say, that Mr Robert Montgomery cannot make similitudes for himself. A very few lines farther on, we find one which has every mark of originality, and on which, we will be bound, none of the poets whom he has plundered will ever think of making reprisals :

‘ The soul, aspiring, pants its source to mount,
As streams meander level with their fount.’

We take this to be, on the whole, the worst similitude in the world. In the first place, no stream meanders, or can possibly meander, level with its fount. In the next place, if streams did meander level with their founts, no two motions can be less like than that of meandering level, and that of mounting upwards.

We have then an apostrophe to the Deity, couched in terms which, in any writer who dealt in meanings, we should call profane, but to which, we suppose, Mr Robert Montgomery attaches no idea whatever.

‘ Yes ! pause and think, within one fleeting hour,
How vast a universe obeys Thy power ;
Unseen, but felt, Thine interfused control
Works in each atom, and pervades the whole ;
Expands the blossom, and erects the tree,
Conducts each vapour, and commands each sea,

Beams in each ray, bids whirlwinds be unfurl'd,
Unrolls the thunder, and upheaves a world !'

No field-preacher ever carried his irreverent familiarity so far, as to bid the Supreme Being stop and meditate on the importance of the interests which are under his care. The grotesque indecency of such an address throws into shade the subordinate absurdities of the passage, the unfurling of whirlwinds, the unrolling of thunder, and the upheaving of worlds.

Then comes a curious specimen of our poet's English—

' Yet not alone created realms engage
Thy faultless wisdom, grand, primeval sage !
For all the thronging woes to life allied
Thy mercy tempers, and Thy cares provide.'

We should be glad to know what the word 'For' means here. If it is a preposition, it makes nonsense of the words, 'Thy mercy tempers.' If it is an adverb, it makes nonsense of the words, 'Thy cares provide.'

These beauties we have taken, almost at random, from the first part of the poem. The second part is a series of descriptions of various events,—a battle—a murder—an execution—a marriage, a funeral—and so forth. Mr Robert Montgomery terminates each of these descriptions, by assuring us that the Deity was present at the battle, murder, execution, marriage, or funeral, in question. And this proposition, which might be safely predicated of every event that ever happened, or ever will happen, forms the only link which connects these descriptions with the subject, or with each other.

How the descriptions are executed, our readers are probably by this time able to conjecture. The battle is made up of the battles of all ages and nations; 'red-mouth'd cannons, uproaring to the clouds,' and 'hands grasping firm the glittering shield.' The only military operations of which this part of the poem reminds us, are those which reduced the Abbey of Quedtinburgh to submission—The Templar with his cross—the Austrian and Prussian grenadiers in full uniform—and Curtius and Dentatus with their battering-ram. We ought not to pass by unnoticed the slain war-horse, who will no more

'Roll his red eye, and rally for the fight;'

or the slain warrior, who, while 'lying on his bleeding breast,' contrives to 'stare ghastly and grimly on the skies.' As to this last exploit, we can only say, as Dante did on a similar occasion,—

'Forse per forza gia di parlusia
Si stravolse cosi alcun del tutto :
Ma io nol vidi, nè credo che sia.'

The tempest is thus described—

‘ But lo ! around the marsh’ling clouds unite,
Like thick battalions halting for the fight ;
The sun sinks back, the tempest spirits sweep
Fierce through the air, and flutter on the deep.
Till from their caverns rush the maniac blasts,
Tear the loose sails, and split the creaking masts,
And the lash’d billows, rolling in a train,
Rear their white heads, and race along the main !’

What, we should like to know, is the difference between the two operations which Mr Robert Montgomery so accurately distinguishes from each other,—the fierce sweeping of the tempest-spirits through the air, and the rushing of the maniac blasts from their caverns ? And why does the former operation end exactly when the latter commences ?

We cannot stop over each of Mr Robert Montgomery’s descriptions. We have a shipwrecked sailor, who ‘ visions a view—
‘ less temple in the air ;’—a murderer, who stands on a heath,
‘ with ashy lips, in cold convulsion spread ;’—a pious man, to whom, as he lies in bed at night,

‘ The panorama of past life appears,
Warms his pure mind, and melts it into tears ;’—

a traveller, who loses his way, owing to the thickness of the ‘ cloud-battalion,’ and the want of ‘ heaven-lamps, to beam their ‘ holy light.’ We have a description of a convicted felon, stolen from that incomparable passage in Crabbe’s *Borough*, which has made many a rough and cynical reader cry like a child. We can, however, conscientiously declare, that persons of the most excitable sensibility may safely venture upon it in Mr Robert Montgomery’s alteration. Then we have the ‘ poor, mindless, ‘ pale-faced, maniac boy,’ who

‘ Rolls his vacant eye,
To greet the glowing fancies of the sky.’

What are the glowing fancies of the sky ? And what is the meaning of the two lines which almost immediately follow ?

‘ A soulless thing, a spirit of the woods,
He loves to commune with the fields and floods.’

How can a soulless thing be a spirit ? Then comes a panegyric on the Sunday. A baptism follows ;—after that a marriage ;—and we then proceed, in due course, to the visitation of the sick, and the burial of the dead.

Often as Death has been personified, Mr Montgomery has found something new to say about him.

' O Death! thou dreadless vanquisher of earth,
 The Elements shrank blasted at thy birth!
 Careering round the world like tempest wind,
 Martyrs before, and victims strew'd behind;
 Ages on ages cannot grapple thee,
 Dragging the world into eternity!'

If there be any one line in this passage about which we are more in the dark than about the rest, it is the fourth. What the difference may be between the victims and the martyrs, and why the martyrs are to lie before Death, and the victims behind him, are to us great mysteries.

We now come to the third part, of which we may say with honest Cassio, 'Why, this is a more excellent song than the other.' Mr Robert Montgomery is very severe on the infidels, and undertakes to prove, that, as he elegantly expresses it,

' One great Enchanter helm'd the harmonious whole.'

What an enchanter has to do with helming, or what a helm has to do with harmony, we do not quite understand. He proceeds with his argument thus:

' And dare men dream that dismal Chance has framed
 All that the eye perceives, or tongue has named;
 The spacious world, and all its wonders, born
 Designless, self-created, and forlorn;
 Like to the flashing bubbles on a stream,
 Fire from the cloud, or phantom in a dream?'

We should be sorry to stake our faith in a higher Power on Mr Robert Montgomery's logic. Does he believe that lightning, and bubbles, and the phenomena of dreams, are designless and self-created? If he does, we cannot conceive why he may not believe that the whole universe is designless and self-created. A few lines before, he tells us that it is the Deity who bids 'thunder rattle from the skiey deep.' His theory is therefore this, that God made the thunder, but that the lightning made itself.

But Mr Robert Montgomery's metaphysics are not at present our game. He proceeds to set forth the fearful effects of Atheism.

' Then, blood-stain'd Murder, bare thy hideous arm,
 And thou, Rebellion, welter in thy storm:
 Awake, ye spirits of avenging crime;
 Burst from your bonds, and battle with the time!'

Mr Robert Montgomery is fond of personification, and belongs, we need not say, to that school of poets who hold that nothing more is necessary to a personification in poetry, than to begin a word with a capital letter. Murder may, without im-

propriety, bare her arm,—as she did long ago, in Mr Campbell's *Pleasures of Hope*. But what possible motive Rebellion can have for weltering in her storm,—what avenging crime may be,—who its spirits may be,—why they should burst from their bonds,—what their bonds may be,—why they should battle with the time,—what the time may be,—and what a battle between the time and the spirits of avenging crime would resemble, we must confess ourselves quite unable to understand.

‘ And here let Memory turn her tearful glance
On the dark horrors of tumultuous France,
When blood and blasphemy defiled her land,
And fierce Rebellion shook her savage hand.’

Whether Rebellion shakes her own hand, shakes the hand of Memory, or shakes the hand of France, or what any one of these metaphors would mean, we know no more than we know what is the sense of the following passage:

‘ Let the foul orgies of infuriate crime
Picture the raging havoc of that time,
When leagued Rebellion march'd to kindle man,
Fright in her rear, and Murder in her van.
And thou, sweet flower of Austria, slaughter'd Queen,
Who dropp'd no tear upon the dreadful scene,
When gush'd the life-blood from thine angel form,
And martyr'd beauty perish'd in the storm,
Once worshipp'd paragon of all who saw,
Thy look obedience, and thy smile a law,' &c.

What is the distinction between the foul orgies and the raging havoc which the foul orgies are to picture? Why does Fright go behind Rebellion, and Murder before? Why should not Murder fall behind Fright? Or why should not all the three walk abreast? We have read of a hero who had

‘ Amazement in his van, with Flight combined,
And Sorrow's faded form, and Solitude behind.’

Gray, we suspect, could have given a reason for disposing the allegorical attendants of Edward thus. But to proceed,—‘ Flower of Austria’ is stolen from Byron. ‘Dropped’ is false English. ‘Perish'd in the storm’ means nothing at all; and ‘thy look obedience’ means the very reverse of what Mr Robert Montgomery intends to say.

Our poet then proceeds to demonstrate the immortality of the soul:—

‘ And shall the soul, the fount of reason, die,
When dust and darkness round its temple lie?
Did God breathe in it no ethereal fire,
Dimless and quenchless, though the breath expire

The soul is a fountain; and therefore it is not to die, though dust and darkness lie round its temple, because an ethereal fire has been breathed into it, which cannot be quenched though its breath expire. Is it the fountain, or the temple, that breathes, and has fire breathed into it?

Mr Montgomery apostrophizes the

‘Immortal beacons,—spirits of the just,—’

and describes their employments in another world, which are to be, it seems, bathing in light, hearing fiery streams flow, and riding on living cars of lightning. The deathbed of the sceptic is described with what we suppose is meant for energy.

‘See how he shudders at the thought of death!
What doubt and horror hang upon his breath,
The gibbering teeth, glazed eye, and marble limb.
Shades from the tomb stalk out and stare at him.’

A man as stiff as marble, shuddering and gibbering violently, would certainly present so curious a spectacle, that the shades, if they came in his way, might well stare.

We then have the deathbed of a Christian made as ridiculous as false imagery and false English can make it. But this is not enough:—The Day of Judgment is to be described,—and a roaring cataract of nonsense is poured forth upon this tremendous subject. Earth, we are told, is dashed into Eternity. Furnace blazes wheel round the horizon, and burst into bright wizard phantoms. Racing hurricanes unroll and whirl quivering fire-clouds. The white waves gallop. Shadowy worlds career around. The red and raging eye of Imagination is then forbidden to pry further. But further Mr Robert Montgomery persists in prying. The stars bound through the airy roar. The unbosomed deep yawns on the ruin. The billows of Eternity then begin to advance. The world glares in fiery slumber. A car comes forward driven by living thunder.

‘Creation shudders with sublime dismay,
And in a blazing tempest whirls away.’

And this is fine poetry! This is what ranks its writer with the master-spirits of the age! This is what has been described over and over again, in terms which would require some qualification if used respecting *Paradise Lost*! It is too much that this patchwork, made by stitching together old odds and ends of what, when new, was, for the most part, but tawdry frippery, is to be picked off the dunghill on which it ought to rot, and to be held up to admiration as an inestimable specimen of art. And what must we think of a system, by means of which verses like those which we have quoted—verses fit only for the poet’s corner of

the Morning Post—can produce emolument and fame? The circulation of this writer's poetry has been greater than that of Southey's Roderic, and beyond all comparison greater than that of Cary's Dante, or of the best works of Coleridge. Thus encouraged, Mr Robert Montgomery has favoured the public with volume after volume. We have given so much space to the examination of his first and most popular performance, that we have none to spare for his *Universal Prayer*, and his smaller poems, which, as the puffing journals tell us, would alone constitute a sufficient title to literary immortality. We shall pass at once to his last publication, entitled *Satan*.

This poem was ushered into the world with the usual roar of acclamation. But the thing was now past a joke. Pretensions so unfounded, so impudent, and so successful, had aroused a spirit of resistance. In several magazines and reviews, accordingly, Satan has been handled somewhat roughly, and the arts of the puffers have been exposed with good sense and spirit. We shall, therefore, be very concise.

Of the two poems, we rather prefer that on the Omnipresence of the Deity, for the same reason which induced Sir Thomas More to rank one bad book above another. 'Marry, this is somewhat. This is rhyme. But the other is neither rhyme nor reason.' Satan is a long soliloquy, which the Devil pronounces in five or six thousand lines of blank verse, concerning geography, politics, newspapers, fashionable society, theatrical amusements, Sir Walter Scott's novels, Lord Byron's poetry, and Mr Martin's pictures. The new designs for Milton have, as was natural, particularly attracted the attention of a personage who occupies so conspicuous a place in them. Mr Martin must be pleased to learn, that, whatever may be thought of those performances on earth, they give full satisfaction in Pandemonium, and that he is there thought to have hit off the likenesses of the various Thrones and Dominations very happily.

The motto to the Poem of Satan is taken from the Book of Job:—'Whence comest thou?—From going to and fro in the earth, and walking up and down in it.' And certainly, Mr Robert Montgomery has not failed to make his hero go to and fro, and walk up and down. With the exception, however, of this propensity to locomotion, Satan has not one Satanic quality. Mad Tom had told us, that 'the prince of darkness is a gentleman;' but we had yet to learn that he is a respectable and pious gentleman, whose principal fault is, that he is something of a twaddle, and far too liberal of his good advice. That happy change in his character which Origen anticipated, and of which Tillotson did not despair, seems to be rapidly taking place. Bad

habits are not eradicated in a moment. It is not strange, therefore, that so old an offender should now and then relapse for a short time into wrong dispositions. But to give him his due, as the proverb recommends, we must say, that he always returns, after two or three lines of impiety, to his preaching tone. We would seriously advise Mr Montgomery to omit, or alter, about a hundred lines in different parts of this large volume, and to republish it under the name of 'Gabriel.' The reflections of which it consists would come less absurdly, as far as there is a more and a less in extreme absurdity, from a good than from a bad angel.

We can afford room only for a single quotation. We give one taken at random—neither worse nor better, as far as we can perceive, than any other equal number of lines in the book. The Devil goes to the play, and moralizes thereon as follows:—

' Music and Pomp their mingling spirit shed
Around me ; beauties in their cloud-like robes
Shine forth,—a scenic paradise, it glares
Intoxication through the reeling sense
Of flush'd enjoyment. In the motley host
Three prime gradations may be rank'd : the first,
To mount upon the wings of Shakspeare's mind,
And win a flash of his Promethean thought,—
To smile and weep, to shudder, and achieve
A round of passionate omnipotence,
Attend : the second, are a sensual tribe,
Convened to hear romantic harlots sing,
On forms to banquet a lascivious gaze,
While the bright perfidy of wanton eyes
Through brain and spirit darts delicious fire :
The last, a throng most pitiful ! who seem,
With their corroded figures, rayless glance
And death-like struggle of decaying age,
Like painted skeletons in charnel pomp
Set forth to satirize the human kind !—
How fine a prospect for demoniac view !
" Creatures whose souls outbalance worlds awake !"
Methinks I hear a pitying angel cry.'

Here we conclude. If our remarks give pain to Mr Robert Montgomery, we are sorry for it. But, at whatever cost of pain to individuals, literature must be purified from this taint. And, to show that we are not actuated by any feelings of personal enmity towards him, we hereby give notice, that, as soon as any book shall, by means of puffing, reach a second edition, our intention is, to do unto the writer of it as we have done unto Mr Robert Montgomery.

ART. X.—*Enquiries with respect to the Nature and Influence of Taxation.* Pp. 81. London. 1830.

THE admirable and well-timed work of Sir Henry Parnell on Financial Reform, and the able and luminous speeches of Mr Goulburn on bringing forward the budget, and of Mr Poulett Thomson on moving for a committee to enquire into the state of taxation, have diffused a great deal of valuable information with respect to our financial situation. The work of Sir Henry Parnell is sound, clear, and comprehensive. The Honourable Baronet has gone over the whole field of our expenditure; he has presented every item in the most striking point of view, and pointed out the reductions that might be made without injury to the public service. But as this is a subject on which we propose entering at some length on a future occasion, we shall confine ourselves at present to a few remarks on the modifications proposed to be made in our system of taxation.

We believe the truth to be, notwithstanding all that has been said as to the enormous weight of taxation in this country, that we suffer infinitely more from the erroneous mode in which taxes have been imposed, than from their absolute weight. Were a few of the present taxes repealed, and others modified, we entertain no doubt that the same amount of revenue that is now raised might be obtained without any difficulty. The radical error into which most of our financiers have fallen, has consisted in their supposing, in contempt of the well-known remark of Dr Swift, that to increase or diminish a tax, was to effect a corresponding increase or diminution of the revenue. The whole of Mr Vansittart's financial policy was bottomed on this fallacious hypothesis. To think of adding to the revenue by lowering the duty on any article, appeared to him to involve a contradiction. He took for granted, and the House of Commons did not choose to question so great an authority, that whether the price of an article rose or fell, its consumption would remain constant!

It is from the effects of this precious system, if so we may term it, that the country is now suffering. Of all the articles on which duties have been laid—and our readers are aware how very comprehensive is the list—there is hardly one which is not overtaxed—that is, there is hardly one that would not yield more revenue were the duty upon it reduced. And such, we believe, is now the opinion of most of our public men. No sooner had his Majesty been graciously pleased to call Mr Vansittart to the

House of Lords, than his successor, demonstrated by the evidence of fact and experiment, what every one acquainted with the subject had predicted on general grounds, that the revenue might be increased by reducing duties.

Mr Vansittart was the very best friend, and Mr Robinson the worst enemy, of the *smuggling interest*. During the administration of the former, the duties on spirits in Ireland and Scotland had been raised to 5s. 6d. the wine gallon; and in consequence of this disproportionately heavy tax, smuggling, with the rapine and outrage inseparable from it, was carried to such a height, that not *one-third* of the spirits consumed in these parts of the empire paid duty. In 1824, the duties were reduced from 5s. 6d. to 2s. the wine gallon; and the revenue derived from spirits, as we showed in our last number, has increased in Ireland from L.912,288, to L.1,395,120; and in Scotland from L.727,650, to L.809,559. Smuggling has, at the same time, been completely put down. It is, besides, wholly false to affirm, that there has been any increase of drunkenness; spirits legally distilled have been substituted in the place of those that were illegally distilled, and that is all.

Fortunately, too, this is not a solitary instance of the comparatively great productiveness of moderate duties. In 1806, when the duty on coffee was 1s. 8d. a-pound, the revenue derived from it amounted to L.152,759. In 1809, when the duty had been reduced to 7d., the revenue, instead of falling, increased to L.245,886; and in 1828, when the duty was 6d., the revenue amounted to L.425,389; the consumption being about *fifteen* times as great as in 1806. In other articles, such as wine, the duties on which had been carried to an oppressive height, their reduction has been followed by similar effects.

Now, all that we desire of ministers is, that they should vigorously prosecute this course. We do not call upon them to relinquish revenue, for we know that a very large revenue is absolutely necessary to meet the pressing exigencies of the public service. But we call upon them to avail themselves of the experience afforded by the reductions made during the administration of Mr Robinson,—to repeal such duties as, from being injurious to industry, tend to dry up the sources of all revenue; and to modify and reduce such as, from being carried to an oppressive height, have become highly burdensome to the public, without being so productive as they would be were they lower.

Ministers, we are happy to be able to say, appear to be satisfied that this is the proper course to follow. And though

they have, unnecessarily as we think, deferred the revision of several most objectionable taxes, they have resolved upon introducing some most important improvements. The repeal of the beer duty is a measure for which they are particularly entitled to the public gratitude. We endeavoured, in a late number, to point out the grossly partial and oppressive nature of this tax. It is not, however, to be doubted that the repeal of the malt duty would have secured more Parliamentary support to the minister; and he is peculiarly deserving of commendation for having resolved to do an act of justice to the lower and middle classes, by repealing a tax which falls wholly on them, at the risk of weakening his own interest.

Had the repeal of the beer duty stood alone, it would not have been of any very material service. But coupled, as it is to be, with the abolition of the existing restraints on its sale, it will be of signal advantage. The revenue derived from the beer duty is about L.3,000,000. Large, however, as this sum certainly is, we have no doubt that in the event of the existing regulations with respect to the manufacture of malt being simplified, the demand for it will be so much augmented, that the increased revenue from it will go far to make up the deficiency. Mr Goulburn calculated that the various restrictions and difficulties at present imposed on the manufacture and sale of beer, might be moderately estimated as equivalent to an additional duty of L.1,500,000! Nor is the getting rid of this enormous charge the only collateral advantage that will accrue to the public from this wise and liberal measure. The beer trade being now, for the first time, perfectly free, the same keen and close competition will be introduced into it as into other departments of industry. The brewers and sellers of beer, deprived of their monopoly, will henceforth have to depend wholly on the superior quality or superior cheapness of the article they offer for sale. It may, therefore, be fairly presumed, that the practice of adulteration will be nearly, if not entirely, suppressed; at the same time, that the lower price and free sale of this wholesome beverage will do more than could possibly have been done otherwise to arrest the progress of gin-drinking. We believe, too, that no long period will elapse before the agriculturists will have reason to be satisfied that, in repealing the beer duty, Mr Goulburn has most effectually consulted their interest. The abolition of all restrictions on the sale of beer, will extend the demand for it in a far greater degree than could have been effected by the reduction, or even repeal, of the malt duty; and will consequently lead to a proportionally greater demand for barley.

The measure, in short, is one that cannot be too highly praised. Other ministers may have lamented over public distress in speeches of greater pathos, but few have given so substantial a proof of their desire to alleviate them.

Besides the beer duty, Mr Goulburn has consented to repeal the duties on leather and cider. The duty on leather was formerly 3d. a-pound, but was reduced within these few years to 1½d. Either, however, the duty ought not to have been reduced at all, or it ought to have been unconditionally repealed. By continuing the 1½d. duty, all the officers and regulations had to be kept up that were required to collect the higher duty, while the reduction of 1½d. on the cost of a pound of leather was almost imperceptible. But the repeal of the duty, by setting the manufacture free from restraint and *surveillance*, will be of signal benefit to the trade; and will occasion a sensible reduction in the price, and a great improvement in the quality, of this very important article.

Mr Robinson reduced the duty on cider from 30s. to 10s. a-barrel. At this reduced rate it produced from L.25,000 to L.30,000 a-year. But it was obviously not worth subjecting an important branch of industry to fiscal regulations for so small a sum, and the duty is to be repealed.

Thus far, there is every thing to praise, and nothing to blame, in the budget. We confess, however, that we think ministers made an improper concession either to an ill-founded clamour, or to a powerful party, when they consented to increase the duty on spirits. But it is scarcely necessary, after what we stated in our last number, to enter upon this topic. In so far as respects Ireland and Scotland, the increase of 2d. per gallon is so very trifling as not to be worth notice, except as an evil precedent; but the increase of 1s. a-gallon on the duty on spirits consumed in England, appears to us to be a most objectionable measure. It increases the temptation to smuggle from Scotland and Ireland into England, and to illicit distillation and adulteration in the latter. We see no good reason for supposing that it will have any beneficial effect whatever. As a means of decreasing drunkenness, it will be found to be quite impotent. The repeal of the beer duty is, in this respect, worth ten thousand acts to increase the price or prohibit the use of gin. And we are sorry that Mr Goulburn should have adulterated his great measure with this base alloy.

Supposing, however, that the measure were in other respects expedient, it is altogether objectionable from its giving an unjust preference to rum over British spirits. In 1825, the duty

was fixed on the former at 8s. 6d., and on the latter at 7s. a-gallon. Here it must be borne in mind, that the corn-distiller has to use barley, the price of which is artificially increased at least 2s. a-bushel, by duties and restrictions on its importation; that he has to pay a farther duty of 2s. 7d. on every bushel of malt made out of such barley; and that he is subjected to a severe code of revenue regulations, and to innumerable penalties,—many of these inflicted for unintentional breaches of the law. The situation of the West India distiller of rum is quite the reverse of this. He buys his sugar and molasses in the cheapest markets, and is allowed to distil them as he pleases, without any sort of interference, or being subject to any fiscal regulations, duties, or penalties whatever. To impose the same duty on spirits produced under such different circumstances, would be a glaring injustice. In estimating the duty to be laid on a finished article, those laid on the materials of which it is made must always be taken into account and allowed for; and if this be done, it will certainly be found that British spirits in England are at this moment as heavily taxed as rum. On this ground, therefore, were there no other, this part of Mr Goulburn's project must be abandoned.

But we do not object so much to any part of Mr Goulburn's policy, as to his not carrying it farther. After swallowing a camel he begins to strain at a gnat. He might well have been excused for pausing before he proposed the repeal of the beer duty; but having taken this bold and decided step, how comes it that he hesitates about the revision and modification of taxes, which he is far too intelligent not to know would be more productive were they lower? Why should he take years to introduce reforms into our financial system which he might make in a week? and which, while they would give new life to many important branches of industry, would not occasion the loss of one shilling of revenue?

Sugar and tobacco yield, between them, a revenue of about eight millions—and certainly we should be the last to propose disturbing so productive a source of revenue on any but the best established grounds. Nothing, however, can be more certain, than that the revenue derived from both these articles would be greater, were the duties on them reduced to two-thirds of their present amount. We showed, in our last Number, that such would certainly be the case in respect of sugar, and the same thing is true of tobacco. The cost of the latter does not exceed 4d. or 5d. per lb.; so that the duty of 8s., with which it is now

loaded, amounting to between 800 and 900 per cent, affords an overpowering temptation to smuggle. But though its clandestine importation could be prevented, there can be no doubt that the duty has been carried to too great a height. We feel certain, that Mr Goulburn would readily admit that such is at all events the case in Ireland. During the three years ending with 1802, when the duty on tobacco in Ireland was 1s. per pound, the annual average consumption amounted to 6,484,857 lbs., and the nett revenue to L.307,712 a-year. Now, there can be no doubt whatever that the population of Ireland has doubled since 1800, and there has been some little improvement in the condition of the people. The fair presumption consequently is, that had the duty been allowed to continue at the height at which it stood in 1800, the consumption of tobacco, and consequently the revenue, would have been doubled in the intervening period, or would have amounted, the former to 12,967,714 lbs., and the latter to L.615,424. But this was a course of policy far too plain and reasonable, to be approved by Mr Vansittart. One addition after another was made to the duties on tobacco, until they were raised in 1819 to 4s. per lb.; and, as might have been expected from so enormous an increase of duty, the consumption fell off in 1820 to 2,582,498 lbs.—or to little more than *one-third* what it had been twenty years before, notwithstanding the vast increase of population! In 1825, the duty was reduced to 3s., and the consumption has gained a little since. Still, however, it amounted, during the three years ended with 1828, to only 3,984,578 lbs., and the revenue to L.593,214, being a decline of 8,985,136 lbs. in the probable consumption of tobacco in Ireland, and of L.22,210 in the probable revenue, that would have been derived from it at this moment, had the duty not been altered since 1800.

But we should form a most erroneous conclusion, if we supposed that the bad effect of so excessive an increase of duties is confined to the mere loss of revenue. This is the least part of the evil. It exerts a most pernicious influence over the habits and industry of the people. By rendering the price of all sorts of conveniences and enjoyments so great, that they cannot be obtained by the working classes, the obvious tendency of excessive taxation is to take away the taste for them altogether, and to restrict the consumption of the great bulk of society to the merest necessities. This, however, is the very worst species of schooling that any people, and more particularly such a people as the Irish, can possibly receive. In fact, the thing most necessary in that country is to inspire the inhabitants with

a taste for comforts and enjoyments, and to make it be esteemed discreditable to be without them. Were this done, they would become industrious, orderly, and economical; and nothing would do so much to bring about such a result, as a reduction of the present exorbitant duties on tobacco, wine, sugar, spirits, &c.

In the meantime, the smuggler is interfering to do that for the public which government ought to do, viz. to supply them with tobacco at a moderate price. It was stated by Mr Poulett Thomson, in his instructive speech on the 25th March, that vessels loaded with tobacco are now regularly dispatched from Flushing and Ostend for these islands. Mr Thomson farther stated, that he knew as a fact, that *seventy* cargoes of tobacco, containing 3,644,000 lbs., had recently been smuggled into the east coast of Ireland!

Now, when we take these facts into view, can any one seriously believe that the revenue would lose any thing by reducing the tobacco-duty from 3s. to 2s.? In so far as respects Ireland, such a measure would certainly occasion a very great increase of revenue; and there is every reason to think it would have a similar effect here. In 1811, when the duty was 2s. 2d., the quantity of tobacco consumed in Great Britain amounted to 14,923,243 lbs., and the revenue to L.1,701,848. But the population has increased since 1811 from 12½ to at least 16 millions; and had the consumption of tobacco increased at the same rate, it ought now to have amounted to about 19 millions of pounds, and the revenue to about two millions sterling; whereas, with the present duty of 3s., the consumption only amounts to 14½ millions of pounds, and the revenue to very little more than two millions. It is therefore clear as demonstration, that, by keeping up the present high duty, we do not increase, but diminish revenue. Its real effect is not to put money into the coffers of the treasury, but into the pockets of the smuggler; and unless ministers have resolved that the latter should be supported and enriched at the expense of the revenue, and the comfort and morals of the people, a reduction of the duty will take place at no distant period.

The duty of 3s. a-pound is on unmanufactured tobacco only. Previously to 1825 the duty on manufactured tobacco or cigars was as high as 18s.; and was of course completely prohibitory. But in the last mentioned year the duty on manufactured tobacco was lowered to 9s.; and notwithstanding its oppressiveness, there has since been a rapidly-increasing importation of cigars.

	Cigars Imported.	Revenue.
1826, . . .	25,378 lbs. . . .	L.12,770 12 0
1827, . . .	48,724 . . .	21,925 16 0
1828, . . .	49,314 . . .	22,191 6 0
1829, . . .	65,951 . . .	29,677 19 0

Now, when such effects have followed the opening of the trade in cigars under the enormous duty of 9s., is it possible to doubt the vast increase that would take place, were the duty reduced to 3s. or 3s. 6d.? We believe it might be confidently predicted, that were such a reduction effected, the revenue from cigars would very speedily be trebled or quadrupled. Every one knows that not a third of the cigars now made use of comes from the Havanna. But this clandestine manufacture would not be carried on were the duty reduced. So that while the revenue and the trade of the country would both be increased by reducing the duty to half its present amount, none but adulterators and smugglers would sustain the least injury.

We cannot quit the subject of tobacco without entering our protest against the bill lately introduced for allowing it to be grown for sale in this country. Of all the articles on which taxes have been imposed, none seems so unexceptionable as tobacco. Every shilling should be extorted from it that it can be made to produce; and our object in recommending a reduction of the duty, is not that tobacco may be rendered cheaper, but that the duty may be rendered more productive. But if its cultivation in Great Britain and Ireland be allowed, the facilities of smuggling will be increased in a tenfold degree, and the revenue will suffer proportionally. It is easy to check the importation of an article from a foreign country, provided the duties on it be not excessive; but, when once tobacco plantations have been scattered up and down the country, the means of defrauding the revenue will be immeasurably greater. Should this bill be passed into a law, a very important branch of revenue will be seriously endangered, without any countervailing advantage of any sort being obtained. The clamour that has been raised in Ireland on the subject is too contemptible to deserve notice. If, by raising tobacco here, the import of it from foreign countries should be lessened, the exports of British produce to these countries will be reduced in an equal ratio; so that, while full scope is given for the operations of the smuggler, and the revenue is materially diminished, there will be no additional demand for labour. Certain Irish orators talk as if

the introduction of the tobacco cultivation were to effect a material improvement in the condition of the people and the agriculture of Ireland. Unluckily, however, it is but too certain that it will have no such effects. Mr Jefferson, who was quite as well acquainted with the tobacco culture, and quite as good an authority, as Mr O'Connell, alludes to it as follows:—‘It is a *culture productive of infinite wretchedness*. Those employed in it are in a continued state of exertion beyond the powers of nature to support. Little food of any kind is raised by them; so that the men and animals on these farms are badly fed, and the earth is rapidly impoverished. The cultivation of wheat is the reverse in every circumstance. Besides clothing the earth with herbage, and preserving its fertility, it feeds the labourers plentifully, requires from them only a moderate till, except in the season of harvest, raises a great number of animals for food and service, and diffuses plenty and happiness amongst the whole. We find it easier to make 100 bushels of wheat than 1000 cwts. of tobacco, and they are worth more when made.’ (*Notes on Virginia*, p. 278, London edition.) We, therefore, confidently trust that ministers will see reason not to proceed with this bill; and that they will not seek to acquire a little ephemeral and worthless popularity, by giving their consent to a measure that will certainly occasion the loss of a large amount of revenue, at the same time that it will still farther deteriorate the condition of the peasantry.

The duties on foreign spirits might also be greatly reduced, not only without any loss, but with a certain gain, to the revenue. The history of the duty on Geneva is peculiarly instructive, and evinces, in the most striking manner, the fatal effects of oppressive taxation upon consumption and revenue. During the ten years ending with 1786, the annual import of Geneva was 80,362 gallons. But in the last mentioned year Mr Pitt reduced the duty 50 per cent, or from 10s. to 5s. a-gallon. Now, mark the effects of this wise and politic measure. During the ten years ending with 1796, the duty fluctuated from 5s. to 7s. 6d., the average annual importation being 441,891 gallons, or more than *five* times the previous quantity, while the revenue was more than doubled. The taste for Geneva had now begun to be extensively diffused; and during the ten years ending with 1806, though the duty had been increased from 7s. 6d. to 14s. 6d., the average annual importation increased to 724,351 gallons. The duty had now, however, attained its maximum. But Mr Vansittart thought otherwise, and raised the duty in 1814 to 21s. In consequence of this increase the average annual import

during the ten years ending with 1816, was only 272,803 gallons, being little more than *one-third* its amount during the previous ten years. During the next decennial period ending with 1826, the duty was at an average 18s. 10d. the wine gallon, or 22s. 6d. the imperial gallon; and the consumption fell off to 117,401 gallons; being very little more than a *fourth* of what it had been during the ten years ending with 1796, when the duty varied from 5s. to 7s. 6d.; and yielding a decidedly less amount of revenue. The effect with respect to Brandy has been precisely similar. Its consumption in Ireland has been reduced, in consequence of the inordinate extension of the duties, to about a *tenth part* of what it amounted to during the three years ending with 1802! Now, we would beg to know, what possible inducement Mr Goulburn can have to keep up such a duty as this? Has he not the example of Mr Pitt before his eyes who doubled the revenue by taking a half from the duty? And can there be a doubt that a similar reduction at this moment would have a precisely corresponding effect? We can sympathize with Mr Goulburn's hesitation in consenting to the total abolition of a productive tax; but when he refuses to reduce such taxes as those on Geneva and Brandy, he refuses to do that which would certainly add to the revenue: he spurns the brilliant example of Mr Pitt, that he may adopt the *felo de se* policy of Mr Vansittart.

If any thing more was required to enforce the principles already laid down, it might be found in the enormous expense which the present duties on tobacco, brandy, and geneva, occasion in the efforts, ineffectual as they are, to prevent smuggling. Mr Dean, the intelligent chairman of the Board of Customs, estimates this expense at about L.650,000 a-year. And in addition to this, L.181,000 have been laid out in building cottages for the coast-guard. But we have already seen that the utmost vigilance on the part of the revenue officers, backed as they usually are by large bodies of military, is quite unable to prevent the importation of vast quantities of the articles in question. In addition to Mr Thomson's statement, already referred to, we may mention that Sir Henry Parnell states, that at this moment *three-fourths* of the tobacco consumed in Ireland is supplied by smugglers! Now, in the name of common sense, what can be gained by persevering in a system of this sort?—a system that lessens the public revenue and the enjoyments of all classes, at the same time that it is fast demoralizing a large proportion of the population, and rendering our coasts the scene of ferocious and bloody contests, and our courts an arena for the display of perjury and chicanery? There is no smuggling

worth mentioning, except in tobacco, brandy, and geneva; so that a reduction of the duties on them would not only make a very great *direct* addition to the revenue, but would add a *million* to it *indirectly*, by annihilating smuggling, and the various expenses incurred in attempting to repress it; while it would compel the smuggler to lay aside his lawless habits, and to seek for employment in the peaceable pursuits of honest industry.

It would be easy to point out many taxes, the reduction of which would certainly be followed by an increase of revenue. The duty on Insurance is one of them. The premium on ordinary risks is only 1s. 6d., while the duty is 3s. The pressure of this excessive tax is the reason that very few houses are insured up to their full value; that many even in towns, are not insured at all; and that in the country it is by no means common to insure farm-buildings and barn-yards. But the duty on marine insurance is still more oppressive. It varies according to the amount of the premiums and the length of the voyage. Being far heavier than the corresponding tax in the Netherlands, it has occasioned the transfer of a considerable portion of the business that would otherwise be transacted here to Holland. The total nett duty received from this source in the united kingdom, in 1818, amounted to L.340,908; but instead of increasing, as it should have done, it had sunk, in 1828, from the cause now mentioned, to L.243,360. This sufficiently evinces the necessity of reducing the duty.

In the various discussions that have recently taken place with respect to taxation, it is surprising that no notice has been taken of the duties on currants and raisins. These articles, particularly the former, are of very considerable commercial importance. Currants are a useful article of food, and when mixed with flour and a little fat, make a very excellent dish; and as they do not come into competition with any similar article raised at home, it is difficult to see why they should not be admitted at a low duty. At this moment currants may be bought, exclusive of the duty, at the London docks, for 25s. a-cwt.; and were it not that they are burdened with the enormous duty of 44s. 4d. a-cwt., they would be imported in very large quantities. In despite even of this duty, which one would think was intended to be prohibitory, such is the demand for currants, that the revenue derived from them amounts at present to about L.260,000 a-year: And we are assured by those who are thoroughly conversant with every department of the trade, that were the duty reduced, as it ought to be, to 12s. a-cwt., the importation of currants and the revenue would both

be very largely increased. Currants are brought partly from the Ionian islands, and partly from the Morea. The latter is particularly well adapted to their culture; and there are few things that the new sovereign of Greece could do that would be of more importance to his subjects than to negotiate for a reduction of the duties in question.

The duty on raisins varies according to the species, from 20s. to 42s. 6d. a-cwt., producing about L.170,000 a-year. The duty is quite exorbitant, compared with the value of the article—double the revenue might certainly be obtained by reducing the duty to half its present amount.

We are surprised that Mr Goulburn did not propose the repeal of the tax on slates carried coastwise. It is grossly unequal,—falling, like the duty on coal, only on those who live at a distance from the quarries, and to whom slates are sent by water. The total revenue derived from this tax in 1829 amounted to only L.34,715; and it does appear singular, that a duty so obviously unjust, and which presses so severely on those erecting farm-buildings covered with slates, should be continued for the sake of so miserable a return.

With the exception of the duty on coal, the duty on timber is probably the most objectionable one in the British tariff. There are very few articles imported of more importance than timber, whether we refer to its cost, or the many highly useful purposes to which it is applied. If, indeed, there be one article more than another which it would be sound policy to allow to be imported from wherever it could be found cheapest and best, it might have been concluded that timber would have been thought that article. Instead, however, of allowing it to be imported from the north of Europe, whence it might have been brought at a much less expense, and of an infinitely better quality, than from any other place, high discriminating duties were laid on Baltic timber in 1809, 10, and 13, which are still continued, in order to force the consumption of the very inferior and more expensive timber of Canada. It is not possible to speak in too severe terms of this regulation. It did not, like most other restrictive enactments, originate in a remote period, or when the sound principles of commercial intercourse were little understood;—it originated in our own day, and after the great work of Dr Smith had been in circulation for little less than forty years. It was established by the evidence of Sir Robert Seppings, the surveyor of the navy, Mr Copland, and other witnesses of the highest character, before the Lords' Committee, on the Foreign Trade of the country, that Canada timber is softer, and

more liable to dry rot than Baltic timber ; *and that for the purposes of ship and house-building, it is not possessed of half the durability of the latter.* Yet, in despite of this unanswerable evidence, Baltic timber still continues burdened with a duty of 45s. a-load more than is laid on the timber of Canada ! And it has been shown, by papers printed by order of the House of Commons, that the revenue would gain about L.1,500,000 a-year, were the same duty laid on the timber of Canada that is laid on the timber of the Baltic.

This system ought certainly to be put an end to. So long as Canada continues connected with us, she is entitled to fair and friendly treatment at our hands. But it is enough, surely, that we should expend from L.500,000 to a million a-year in defending and governing a colony from which we derive no greater advantage than from Denmark or Naples, without at the same time sacrificing L.1,500,000 a-year, that she may glut our markets with inferior timber, and inoculate our ships and houses with dry rot. It would be better to pay a million and a half annually by way of bounty on the clearing of ground in Canada, than to continue the present system, which has the double disadvantage of being exceedingly expensive, and of forcing the use of a comparatively worthless article.

Without entering farther at present into details, it must, we think, be evident to every one, that it is in the power of ministers to make a very large addition to the revenue, by merely reducing or modifying those taxes that have been carried to an oppressive height. By taking a third from the duties on sugar and tobacco, a half from those on brandy and geneva, and equalizing those on timber, we are satisfied that ministers would, in a very short period, add three millions a-year to the revenue—a sum which would more than compensate for the loss of the duties on coal, as well as for those on glass, calicoes, paper, &c. We do not ask of Mr Goulburn to sacrifice revenue ; we merely ask of him to do what Mr Pitt did—to reduce those duties that have been carried to an oppressive height. Principle and experience equally demonstrate, that the revenue will be very much increased by such a proceeding.

We were much gratified with that part of Mr Goulburn's speech, in which he stated, that after full and mature consideration, ministers had decided not to propose the introduction of a property tax. In this, we think, they have acted wisely. We do not see the justice of laying taxes on the holders of property, from which professional persons are to be exempted. But, supposing the fairness of such a tax were admitted in the abstract,

still we should object to it, except as an extraordinary resource, from the impossibility of assessing it with any thing like tolerable equality. It might, perhaps, be pretty fairly assessed upon landed and funded property, without a great deal of difficulty, but upon nothing else. How would it be possible to ascertain the value of the property vested in ships, machinery, mines, floating securities, and so on? And yet no one, surely, will pretend that such property ought to be less heavily taxed than land. An income tax is less unequal, and consequently less objectionable, than a property tax; and were it possible fairly to assess it, it might probably be introduced with advantage, as a regular source of revenue. But the condition in question is an impossible one. It is, and will, we apprehend, continue to be, quite impracticable to ascertain the property or income of different individuals; and any tax proportioned either to the one or the other, must really, under the pretence of equality, be the most grossly unequal that can be imagined. The only argument that has recently been brought forward in defence of a property tax is, that it would affect the incomes of absentees, who, in consequence of the drawing back of the duties on exported commodities, elude in a great degree the pressure of taxation. But, instead of lessening absenteeism, we are well convinced that the imposition of a property tax would increase it in a threefold proportion. It would immeasurably increase the temptation to go abroad; for every one has an infinitely greater dislike to make a direct money payment to the tax-gatherer, than to pay an equal, or even greater sum, indirectly, through the intervention of duties on the articles he consumes. Besides increasing the temptation to go abroad, a property tax would induce absentees to do what they rarely do at present, that is, to carry *their capitals along with them*. Absenteeism would then become a real injury; and we should not only introduce a partial and unequal tax, but rapidly lessen the capital out of which it and all other taxes must be paid.

What the country really wants is not a new system of taxation, but an improvement in the system now in use. By reducing some duties, and repealing a few others, the pressure of taxation may be greatly alleviated, without the revenue being in any degree diminished.

ART. XI.—*Marino Faliero*. Par M. CASIMIR DELAVIGNE.
8vo. Paris. 1829.

IF an estimate could be made of the arts, customs, and opinions for which England and France have been indebted to each other, we think it would be found, that the balance is considerably in our favour. We are not insensible of the benefits conferred upon us by the introduction of female fashions, and more enlarged and liberal principles of cookery; but we would humbly propose, that for these advantages, tilburies and horse-racing may be accepted in part of repayment. To the refinements of social life, we will maintain that we have contributed as much as we have received; and if it should be urged, that we are notorious plagiarists in trifles, we may plead, that frivolous imitation has been no less prevalent in France, and that we have no word in our vocabulary that corresponds with *Anglomanie*. These grave matters being settled, we may ask, how stands the account between us with respect to science, literature, and political knowledge? Every part of this comprehensive question has, we believe, already been satisfactorily answered in the Edinburgh Review, with the exception of that which refers to a single department of literature—the Drama; to which, as it has not yet been noticed, we will now advert. ‘*Natio comœdia est*,’ may be truly said of the French. There is no portion of their literature of which they are so proud, as of their Drama,—none on behalf of which they have so loudly claimed for themselves the attributes of superior taste,—none which they have so rigidly guarded against innovation, and protected from the influence of foreign models; and yet, that even in this department we have gained a victory, will scarcely now be contested. An almost literal translation of one of those *farces monstrueuses qu’on appelle tragédies* (to quote the language of Voltaire) has been received with applause at Paris; and Shakspeare, the *savage irre*, the *gros fumier*, installed with Racine and Corneille in the most pre-eminently classical of their theatres. After such a result, it may be not uninteresting to trace the progressive influence which the dramatic literature of England has exerted upon that of France.

It is now rather more than one hundred years since Voltaire first assumed the merit of having *discovered* England, and began to teach his countrymen that more notable things might be said of us than that we cut off the heads of our kings, and the tails of our horses; that we had many religions, and only one sauce. These characteristics, and a few others,—as, that we were hard drinkers, and good sailors; that the soldiers of Marlborough

were not to be despised ; and, alas ! that we had contrived, under the auspices of Charles II., to exhibit a coarse copy of the profligacies of Versailles,—were probably known to many ; but few knew that we had a literature. The profound ignorance of the French on this subject extended even to those who professed to make literature the object of their enquiries. Bossu, Bouhours, and Rollin, wrote as if the English language were not in existence ; and Moreri, in his bulky Biographical Dictionary, totally omits Dryden, dismisses Shakspeare with a few lines, observes of Milton that his poetry passes for good in England, but evidently considers the production of *Paradise Lost* one of his least claims to notice, and sees in him scarcely more than the secretary of Cromwell, and the adversary of Salmasius. Voltaire was the first who called the attention of France to the literature of England. He was the first adventurous traveller who ventured to pass that Chinese wall of ignorance and presumption which then circumscribed the intellects of his countrymen ; and though he may not have comprehended the true use and beauty of all that he saw in the new region which lay before him, he will still have deserved from them the honours due to a discoverer. It is true, he neither fully demonstrated the fertility of the soil, nor detected many veins of hidden ore ; but he made a respectable survey of the surface of the land, and encouraged others to follow him. He was, with some exceptions, well qualified for the office of an explorer. He had a keen perception of defects, and a shrewd worldly sense of the utility of much that met his eye,—but his was not the eye of a poet. He admired the freedom of our institutions, and was fully aware of the merits of Newton, Locke, and Berkeley. He could praise the correctness of Addison, the smoothness of Waller, and the vigour of Dryden ; pronounce Pope to be a skilful satirist, and detect a mine of wit in Butler ; but of the still higher portion of our literature, he had scarcely any comprehension. Milton perplexed him, and Shakspeare he did not understand.

Voltaire has been commonly classed among the admirers of Shakspeare. We have been pleased in regarding him as one who paid unwilling homage,—who, with hatred at his heart, worshipped in secret, and strove, like a cunning burglar, first to purloin the treasure, and then burn down the fair mansion that contained it. Thus has Voltaire been regarded ; and, we think, erroneously. We believe that his ridicule of Shakspeare was more sincere than his admiration. We are inclined to acquit him of any envious desire to tarnish the glory of our poet ; but we are unwilling to admit that he had the power to comprehend from whence that glory resulted. Why he should have profess-

ed to admire Shakspeare is easily explained. He admired England, and was disposed to view with favour any object of English preference. Moreover, it suited the liberalism of his opinions to applaud our daring dramatist who showed that kings are but men, and would pourtray without scruple the vices of a priest. He appears in the outset to have viewed him, rather mistakenly, as an *esprit fort* of his own complexion, and one whose sentiments might be turned to advantage in the crusade he was then meditating against the Church and State of France. Had there been any thing anti-Christian in the works of Shakspeare, his applause would probably have been still louder; but he found not the ingredients which he sought; and hence, perhaps, his subsequent regret at having, as he said, 'encouraged bad taste, by 'enshrining the *monster* by the side of Corneille.' That he did not understand Shakspeare, will appear from this,—that he knew not either how to praise or to imitate him. He wished to exhibit to his countrymen a specimen of our dramatist, which might justify the praises he had expressed; and what did he select? what powerful and characteristic scene? Did he show them Lear awaking from sleep,—Macduff apprised of the murder of his family,—John half-uttering his commands to Hubert,—or any one of those many other striking scenes which the recollection of our readers will readily supply? No; he presented to them a feeble paraphrase of Hamlet's soliloquy on death, which, though on some accounts deservedly admired, is perhaps less poetical, less eloquent, less imbued with the peculiar spirit of Shakspeare, than any other *popular* passage in the whole compass of his works. We will venture to confess, that we are rather heretically insensible to the merits of this celebrated monologue. Its want of poetical power does not seem to be compensated for by any peculiar excellences of an argumentative kind; and, unless the whole is intended for the mystification of Polonius, who is a not unsuspected listener, the doubts which are agitated respecting a future state will, we think, be allowed to have been placed rather inconsistently in the mouth of one who has lately conversed with a visitant from the tomb. But the soliloquy had the double advantage of being sceptical and popular; and Voltaire accordingly selected it as a specimen by which his countrymen might be enabled to judge of Shakspeare,—presenting them, not with a literal translation, but an imitation in verse, which is really a curiosity, inasmuch as some degree of patient attention is requisite, in order to discover the slightest resemblance. But it may be said, that Voltaire was malicious in his praise, and did not wish that his countrymen should be enabled to judge favourably of the English poet. We will not

stay to argue against such a suggestion, but content ourselves with saying, that if he was insincere in his praise, he could not have been insincere in his attempts at imitation. He must have had a sincere wish to avail himself of such advantages as the study of Shakspeare could afford him, especially when, instead of assuming the false merit of originality, he did not disdain to profess himself an imitator. It will, therefore, assist us in our estimate of his real comprehension of Shakspeare, to enquire how he has acquitted himself in that capacity. It is needless to dwell on his feeble mimicry of the Ghost in Hamlet in his tragedy of Semiramis; nor is the resemblance of Zaire to Othello sufficiently marked to be of much use as an illustration. A better instance will be found in his *Mort de Cesar*; one of his earliest works, written when he was fresh from the study of our poet,—professedly a copy, founded on some of the same events which form the subject of Shakspeare's *Julius Cesar* and concluding with a scene, where, as in that play, Antony harangues the Roman people assembled round the body of Cesar. That Voltaire would have imperfectly comprehended the more poetical and imaginative portions of the works of our dramatist; that the *Tempest* would find small favour in his sight, and that he would be little impressed with the grandeur of *Macbeth*, will be readily anticipated; but he appeared much better qualified to appreciate the merits of a skilful and eloquent harangue. One should have supposed that he would have penetrated into the refinements of oratorical skill which are so prodigally displayed in the address of Shakspeare's Antony; the ability with which that orator excites the passions which he affects to soothe; the art with which his pretended apologies for the conspirators are converted into the bitterest censures; and the nice gradation by which, seeming rather to follow than to lead, he adapts the increasing fervency of his expressions to the rising passions of the populace. It might have been expected that such merits would have been appreciated by Voltaire, and that his imitation would have afforded a proof, that he had not regarded them in vain. And yet, 'look at this picture, and at 'this'—at the English Antony and the French one. In each play the orator is placed in the disadvantageous position of having to address an audience hostile to the cause he intended to advocate. Shakspeare's Antony, therefore, artfully conciliates them, by a disavowal of his intention to influence their judgments.

'I come to bury Cesar, not to praise him.'

The Antony of Voltaire, on the contrary, is made to exhibit in the outset a singular want of oratorical tact, irritating the popu-

lace by proclaiming himself the advocate of Cæsar, and exposing himself to their derision by attributing to them feelings ridiculously at variance with those which they really entertained.

‘ Qui de vous en effet n’eût expiré pour lui ?’

he exclaims to the very people who were expressing their satisfaction at Cæsar’s death ;—upon which one Roman tells him, ‘ Cesar fut un traître ;’ and another adds—

‘ Puisqu’il étoit tyran il n’eût point de vertus,
Et nous approuvons tous Cassius et Brutus.’

An inauspicious beginning truly ! But how does he proceed to conciliate these friends of Cassius and Brutus ?—

‘ Contre ses *meurtriers* je n’ai rien à vous dire ;
C’est à servir l’état que leur grand cœur aspire ;
De votre Dictateur ils ont percé le flanc,
Comblés de ses bienfaits, ils sont teints de son sang.’

In the first line he uses an unnecessarily harsh expression, and in the fourth, taxes them with the basest ingratitude. But the weakness of this passage will be most evident if we compare it with what is said by the Antony of Shakspeare—

‘ Good friends—sweet friends—let me not stir you up
To such a sudden flood of mutiny.
They, that have done this deed, are honourable.
What private griefs they have, alas ! I know not,
That made them do it. They are wise and honourable,
And will, no doubt, with reasons answer you.’

Without dwelling on the artful assumption of moderation, let us remark how, by one dexterous insinuation, the conduct of the conspirators is deprived of the only attribute which entitled it to the approbation of the public ; and a deed which could seem excusable only when its object was patriotic, is made to spring from resentment for private injuries. Voltaire’s Antony pursues a very different course. In the midst of his display of impotent anger against the conspirators, he studiously brings forward to notice their patriotic disregard of private ties, and, with strange impolicy, grounds his accusation upon those very points in their conduct which would most endear them to the people he was addressing. On the good taste and historical propriety of making Brutus the son of Cæsar, we will not comment ; but it seems never to have occurred to Voltaire, that among the Romans, taught to admire the unnatural sacrifice of the elder Brutus, the relationship which he has imagined, instead of exciting feelings of horror and disgust, would probably have tended only to enhance the patriotism of Marcus Brutus in their estimation. If Voltaire is blameable for what he has inserted, he is equally so

for what he has omitted. We search in vain for any counterpart to Shakspeare's introduction of the 'mantle'—the allusion to the time when Cæsar first wore it—the 'summer evening in 'his tent'—the day which was signalized by one of his most celebrated victories—the vivid picture of his assassination—the face muffled in his robe—the fall at the foot of the statue of his great rival. All these striking touches are omitted; and after a good deal of vapid declamation, which seems to produce an effect upon the audience surprisingly incommensurate with its real efficiency, he makes the able and politic Antony conclude with the following piece of incendiary rant:—

' Il demande vengeance ;
 Il l'attend de vos mains et de votre vaillance.
 Entendez vous sa voix ? Réveillez vous, Romains ;
 Marchez, suivez moi tous contre ses assassins ;
 Ce sont là les honneurs qu'à Cesar on doit rendre,
 Des brandons du bûcher qui va le mettre en cendres.
 Embrasons les palais de ces fiers conjurés !
 Enfonçons dans leur sein nos bras désespérés.
 Venez, dignes amis ; venez, vengeurs des crimes,
 Au Dieu de la patrie immoler ces victimes.'

Such is the harangue which Algarotti calls 'le modele de l'éloquence la plus *séduisante*,' after having complimented its author on having made the same judicious use of our barbarous poet, as Virgil of the works of Ennius ! These commendations seem merely ridiculous when we turn from the French to the English oration,—the latter combining the best requisites of popular eloquence, the former like the inflated declamation of a schoolboy.

Such was the success of Voltaire's solitary attempt at a close imitation of Shakspeare; and such was his inferiority in propriety, in delicacy, in correctness of delineation, and in the refinements of rhetorical skill, to the man whom he was not ashamed to designate as a drunken savage. We think it is tolerably apparent that it is not, as has been said, to Voltaire that what is now called the *romantic* portion of the French tragic drama is indebted for any very powerful impulse. All that he did was to direct the attention of his countrymen to English literature, and excite curiosity by informing them that it was, in some respects, worthy to be imitated even by him. The route, thus opened, was soon trodden by other feet. A translation of Shakspeare by Le Tourneur enabled the French, though under the disadvantages of a process by which compressed and animated poetry was beaten out into weak and redundant prose, to form some judgment of the merits of the English poet; and a candidate for such honour as might be gained by a skilful adaptation of foreign

beauties, appeared in the person of Ducis. Ducis seems to have been a writer of more ambition than talent, desirous of novelty, less from any real originality of mind, than because he saw in it the means of acquiring a distinction which he had not sufficient ability to have earned in the beaten tracks of literature. Considering that he was a successful innovator, we are surprised to find that his works afford so few indications of talent. We discover in them as frequent instances of weak and frigid commonplace, as the most *ultra* of the *Classiques* could exhibit;—and when we find a recurrence of all the principal faults of that school, we are at a loss to know what defects he could have succeeded in removing. His slight infringements on the Unities hardly amount to an emancipation from their thralldom. His plays are not more interesting than many of the productions of his more rigid predecessors, and he has scarcely indulged in a greater latitude of action. The only improvement respecting which he seems to have been solicitous was, the introduction of incidents more deeply tragic than had hitherto been tolerated on the French stage; and even this easy task is executed with a timidity which shows that he was not a little alarmed at his own boldness. He was not, in the true sense of the word, a poet;—and though the reasoning faculty is not very prominently exerted in his works, it is at least more conspicuous than his imagination. There was occasionally a good deal of animation and energy in his style, and now and then a burst of something like eloquence; and he expressed strong passions forcibly, though he did not depict with much skill their more delicate movements. Passions seem to have occupied his attention more than characters, in the developement of which he was but moderately successful. His imitations of Shakspeare consisted of six plays—*Hamlet*, *Romeo et Juliette*, *Le Roi Lear*, *Macbeth*, *Jean Sans-Terre*, and *Ottello*, which appeared in the order in which they are mentioned, the first in 1769, the last in 1792. In proposing Shakspeare as an object of imitation, Ducis does not appear to have taken an enlarged view of his model. He might be supposed to have been acquainted only with partial extracts, and never to have attended to the conduct of an entire play. There is no appearance of an attempt to transfuse into his copy the more essential characteristics of the original. He did scarcely more than select a few striking scenes, which he surrounded with such a framework as would best accord with the peculiarities of French taste. Circumstances which gave to them a spirit and a value in the original, were frequently disregarded; and the plot was unmercifully altered for the sake of conforming to the tyranny of the Unities.

His system will, perhaps, be best illustrated by a glance at the transformation to which he has subjected Macbeth. The play opens with the meeting of Duncan and Glamis, 'premier prince 'du sang,' in a forest, where, after a long discourse on the rebellion of Cawdor, which Macbeth was then engaged in quelling, and Duncan's presentiments of approaching misfortune in consequence of the ominous re-appearance of Iphycione and the 'weird sisters,' they are joined by an old man (Sévar), a peasant, to whom Duncan had intrusted his son Malcolm, (kept in ignorance of his origin, and supposed by the nation to be dead,) for the double purpose of saving him from Cawdor, and qualifying him for the high station he was destined to fill. Duncan enquires into the results of this education; and then follow, in the shape of an eulogium on the Prince, sundry reiterations of those exploded praises of primitive simplicity, and the virtues of uncultivated life, which had then been rendered fashionable in France by Rousseau, and were promulgated here, but with less talent and success, by Day. At the end of this homily, 'on entend un gémissement douloureux'—and they separate in great alarm: And such is the business of the first act. In the second, (where the scene changes to Macbeth's castle,) we find Frédégonde (Lady Macbeth) relating to some peasants the successes of her husband, who had defeated Cawdor. Macbeth enters; he is left alone with Frédégonde, to whom he relates his meeting with the witches:—

'Près d'un chêne enflammé devant moi se présentent
Trois femmes. Quel aspect ! non, l'œil humain jamais
Ne vit d'air plus affreux, de plus difformes traits.
Leur front sauvage et dur, flétri par la vieillesse,
Exprimait par degrés leur féroce alégresse.

* * * * *

Par des mots inconnus, ces êtres monstrueux
S'appelaient tour-a-tour, s'applaudissaient entre eux,
S'approchaient, me montraient avec un ris farouche ;
Leur doigt mystérieux se posait sur leur bouche.
Je leur parle, et dans l'ombre ils s'échappent soudain,
L'un avec un poignard, l'autre un sceptre à la main ;
L'autre d'un long serpent serrait le corps livide :
Tous trois vers ce palais ont pris un vol rapide ;
Et tous trois dans les airs, en fuyant loin de moi,
M'ont laissé pour adieux ces mots : " Tu seras roi."

Duncan's intended visit is then announced, and he soon enters, attended by Glamis. In the next act it is night—Macbeth and Frédégonde occupy the scene; the latter is inciting her husband to murder Duncan. In the course of the scene, it appears

that Macbeth has received a letter, which, with an absurd degree of exaggerated nervousness, he refuses to open ; at last, after some conversation about the predictions of Iphycitone, whom Frédégonde had been consulting, the lady says, and we confess very rationally—

‘ N’oubliez pas, Macbeth, qu’un billet vous attend,
Et qu’il cache peut-être un secret important.
Ce billet m’inquiète.

Macbeth.

Allons, je veux le lire,
Et de tout aussitôt je reviendrai t’instruire.’

It cannot be objected that this is too remote from the business of common life. There is no tragic inflation about it—nothing that might not pass between any husband and wife at any time ; and the author, perhaps, thought it very Shakspearian. Macbeth goes out to read the letter. Why he should not have read it on the stage we do not know, unless that, in that case, Frédégonde could not have delivered a soliloquy. Macbeth considerably allows her time to recite twenty-seven lines, and then returns, having read the letter, which informs him that Menteth and Herfort are dead, and that consequently there is only Glamis between him and the throne, if we except Malcolm, who is not known to be alive. Duncan and Glamis are both sleeping under his roof ; the temptation becomes stronger, and Frédégonde urges him afresh. During their dialogue, which is needlessly long, and sadly deficient in energy and spirit, a follower of Macbeth enters, and informs him that the adherents of Cawdor are in the act of breaking into his castle, and conjectures that their only object can be to murder Duncan and Glamis, whom they know to be there. Frédégonde, with true female fertility of resource, is for letting them come in, that they may commit the very murder which she was wishing to accomplish.

‘ Ils vont pour nous, Macbeth, immoler nos victimes.’

The possibility that they might also wish to destroy Macbeth, whom, as he was the general who had defeated Cawdor, they had quite as much reason to hate, seems never to have entered her mind : Macbeth, perhaps, judged differently, for he does not seem to relish this midnight intrusion ; and exclaiming, ‘ Je cours le défendre ! ’ he rushes out ostensibly to protect Duncan ; and we are left with the impression, that instead of becoming, as he had half resolved, the murderer of his king, he will be his preserver. But no ; the fourth act opens with ‘ *Macbeth seul, croyant voir le corps de Duncan.* ’ It then appears that Duncan

has been murdered, and by Macbeth and Frédégonde. The following lines, descriptive of his remorse, are among the most forcible which the situation draws forth :

‘ Arrête donc ce sang qui coule jusqu’à moi ;
Ote-moi donc ce cœur que son forfait devore,
Ce vieillard palpitant, ce lit qui fume encore,
Mon effroi, ma pitié, mon trouble, ma terreur,
Ces exécrationnelles mains qui me glacent d’horreur !’

The crown is offered to Macbeth, and he accepts it ; and then follows an imitation of the banquet scene, as far as regards the fancied appearance of the ghost,—Duncan being, of course, substituted for Banquo.

Frédégonde (bas à Macbeth.)

Est-ce à vous de frémir devant un tel prestige ?
Un guerrier—se peut-il ?

Macbeth.

Il est là—là, te dis-je.

Frédégonde.

Reprenez sur vos sens un pouvoir absolu ;
Votre effroi vous abuse.

Macbeth.

Eh, quoi ! tu n’as pas lu,
Ecrit en traits de sang, “ Point de grace au perfide,
Jamais pour l’assassin, jamais pour l’homicide !”

Frédégonde.

Songez qu’on vous observe.

The attendants are dismissed, and the guilty pair are congratulating themselves on their elevation, when Sévar enters with Malcolm, and places in Macbeth’s hand a ‘billet,’ which proves that youth to be the son of Duncan. Macbeth makes a favourable reply, and promises to respect his rights. Sévar and his charge withdraw, and Macbeth and Frédégonde debate at some length upon this new posture of affairs. Frédégonde recommends the suppression of the ‘billet,’ to which Macbeth doubtfully consents ; and the fourth act closes with a soliloquy from Frédégonde, in which she declares her intention to render assurance doubly sure, by the murder of young Malcolm. In the last act we find Macbeth resolved to recognise the rights of Malcolm, and holding with him a long discourse, in which he endeavours to convince him, that having been brought up as a peasant, he is, therefore, more fit to be a king. He ends with pressing him to accept the crown ; tells him that it is very late, and cautions him not to waken Frédégonde—

‘ Gardez vous en marchant d’éveiller Frédégonde.’

and then leaves him in a state of considerable perplexity. Sévar then joins him, tells him that Macbeth will return, and that they must wait for him there; in spite of which injunction, footsteps being heard, Malcolm goes out, and presently comes back with the information that Frédégonde is walking in her sleep, with a candle in one hand and a dagger in the other. It seems that she is subject to sleep-walking; and we now see the reason of Macbeth’s amiable solicitude that she might not be disturbed. And now, having admired the exquisite art with which we are brought to this celebrated scene, let us pause to admire the scene itself. Shakspeare is in all our memories; and *this* is so curious a specimen of imitation, that we will not apologise for transcribing it, with all the explanatory directions which, *more Germanorum*, the author has so liberally interspersed.

Frédégonde. (Elle entre endormée, un poignard dans la main droite, et un flambeau dans la main gauche. Elle s’approche d’un fauteuil. Levant les yeux au ciel avec l’expression d’une crainte douloureuse.) ! !

Dieux vengeurs !

(Elle s’assied, pose le flambeau sur une table, remet le poignard dans son fourreau.)

Sévar (bas.)

Un forfait la poursuit.

Ecoutons.

Frédégonde (avec joie, et une air de mystère.)

Ce grand coup fut caché dans la nuit.

La couronne est à nous. Macbeth, pourquoi la rendre ?

(Avec le geste d’une femme, qui porte plusieurs coups de poignard dans les ténèbres.)

Sur le fils à son tour.

Sévar.

Ciel ! que viens-je d’entendre !

(Frédégonde, en s’applaudissant, et avec la joie de l’ambition satisfaite.)

Oui, tout est consommé ; mes enfans regneront.

(Avec la complaisance et le plaisir de la tendresse maternelle.)

Que j’essaye, ô mon fils, ce bandeau sur ton front.

(Tâchant de rappeler un souvenir vague à sa mémoire.)

Qui m’a, donc, dit ces mots ? ‘ Va, le ciel te fit mère.’

(Avec serrement de cœur.)

S’ils éprouvaient les coups d’une main meurtrière !

(Tres tendrement.)

O ciel !

(Portant sa main à son nez avec repugnance.)

Toujours ce sang !

(*Tres tendrement.*)

Je verrais leur trépas !

(*Avec larmes.*)

Moi, leur mère.

(*Avec terreur, se grattant la main.*)

Ce sang ne s'effacera pas.

(*Avec la plus grande douleur.*)

O dieux !

(*En se grattant la main vivement.*) !

Disparaîs, donc, misérable vestige.

(*Avec la plus tendre compassion.*)

Mon fils, mon cher enfant !

(*Se grattant la main plus vivement encore.*) ! !

Disparaîs, donc, te dis-je.

(*Se grattant la main avec un dépit furieux.*) ! !

Jamais ! jamais ! jamais !

(*Comme si elle sentait un poignard dans son sein.*)

Mon cœur est déchiré.

(*Avec de longs soupirs les plus douloureux, et tirés du plus profond du son cœur.*)

Oh ! oh ! oh !

(*Son front éclaire par degrés, et passe insensiblement de la plus profonde douleur à la joie et à la plus vive espérance.*)

Quel espoir dans mon sein est entré ?

(*Tout bas, comme appelant Macbeth pendant la nuit, et lui montrant le lit de Malcolm, qu'elle croit voir.*)

Macbeth ! Malcolm est là.

(*Avec ardeur.*)

Viens.

(*Croyant le voir hésiter, et levant les épaules de pitié.*) ! !

Comme il s'intimide !

(*Décidée à agir seule.*)

Allons.

(*Avec joie.*)

Il dort.

(*Avec la confiance de la certitude, et dans le plus profond sommeil.*) ! !

Je veille.

(*Elle regarde le flambeau d'un œil fixé ; elle le prend et se lève.*)

Et ce flambeau me guide.

(*Elle marche vers le côté du théâtre, par lequel elle doit sortir. S'arrêtant tout-a-coup avec l'air du désir et de l'impatience, croyant entendre sonner l'heure.*)

Sa mort sonne.

(*Avec la plus grande attention, immobile, le bras droit étendu, et marquant chaque heure avec ses doigts.*)

Une—Deux.

(*Croyant marcher droit au lit de Malcolm.*)

C'est l'instant de frapper.

(*Elle tire un poignard, et se retire, toujours dormant, sous l'une des voûtes.*)

We will not waste one word in comment upon the *styl.* of this production; we will only remark how that simple train of cause and effect, those moral accessories which give such force to the original, are completely banished from the copy. The nightly wanderings of Lady Macbeth are the visible effects of an unquiet conscience, the gnawings of the worm that never dies, and under the inflictions of which a spirit of more than masculine firmness is wasted down to the verge of dissolution. It is the *moral* effect of this appalling scene which constitutes its truest greatness. Ducis has totally overlooked this its most striking characteristic, and, in his feeble copy, has presented merely a melodramatic exhibition of a woman walking in her sleep with a candle and dagger. Remorse can have no share in disturbing the repose of Frédégonde, who appears to be roused from her couch, not by repentance for past murders, but eagerness to commit a fresh one. But we have not yet arrived at a circumstance which, in the eyes of a critic of the old French school, would have given to the scene of Ducis a decided superiority over that of Shakspeare. Shakspeare's scene is utterly *sans consequence*—it is a mere episode—it has no essential connexion with the plot, no apparent effect upon the catastrophe. It was to no purpose that our poet had given the finest exhibition of a guilty conscience that the world had yet seen, if his incident *led to nothing*. Mark now the superior management of the French dramatist. Frédégonde walks out, still asleep, with a dagger in her hand, and, as it is beneath the dignity of a heroine to act, even in sleep, without a motive, she carries it with the intention of murdering young Malcolm; but an avenging Providence guides her hand, and—*she kills her own son*. Here is a stroke of retributive justice! Who shall now say that Ducis' scene is not intended to convey a moral? It was not evident in the outset, but we now see that it was considerably withheld, that it might burst upon us with more force in the catastrophe. It only remains to notice, that Macbeth makes a public transfer of the crown to Malcolm, having in fact reigned (if it may be so called) only a few hours, and the author thus shows his respect for history, by striking off the lists a king who filled the throne of Scotland many years.

Such were the transformations which were thought expedient, in order to adapt one of Shakspeare's tragedies to the taste of an audience professing an exquisite refinement, feelingly alive to scenic proprieties, and acute judges of probability. 'Je me suis appliqué d'abord à faire disparaître l'impression toujours révoltante de l'horreur, qui certainement eût fait tomber mon ouvrage,' says Ducis in his preface; an

the result of this application is, the introduction of that horrible and superfluous incident, the murder of a child by the hand of its mother. He is equally infelicitous in his *Jean Sans-Terre*, where he brings upon the stage Arthur, after his eyes are burnt out, and causes both him and Constance to be killed by the hand of John. One hardly knows what Ducis could have meant by professing, as he does in several of his prefaces, to soften the asperities of English tragedy, when we see that he has indulged in the gratuitous exhibition of additional horrors. In his other plays, Ducis has pursued the same system upon which he acted in his *Macbeth*; and by his restrictions of time and action, has deprived himself of those gradual developments of passion and character which were frequently essential to their truth and consistency. The jealousy of Othello is made to rise with unnatural rapidity from the first dawnings of suspicion to the full climax of its fury; and the indecision of Hamlet is not allowed to interfere with a speedy arrival at the catastrophe. The plays which Ducis appears to have imitated with most success are *Lear* and *King John*, though these have not been as popular as either his *Hamlet*, his *Othello*, or his *Macbeth*. *Romeo et Juliette* scarcely deserves to be called an imitation, it bears so little resemblance to the original. We have already spoken of *Jean Sans-Terre*, and, on one account, with dispraise; but, in other respects, it is not ill written,—and we will quote from it a passage which will give a more favourable impression of the powers of Ducis than the foregoing remarks could have afforded. It is his version of the scene between King John and Hubert.

Le Roi.

Mon ami, je le sais, je peux compter sur toi.
Névil cherche à me plaire; il ferait tout pour moi,
De mes moindres chagrins il comprendrait la cause;
Mais, Hubert, c'est sur toi que mon cœur se repose,
Sur toi.—Je t'aime, Hubert.

Hubert.

Croyez, Sire—

Le Roi.

Aujourd'hui,
Si mon front t'a paru triste et chargé d'ennui,
Ce n'est pas sans sujet; la foudre est sur ma tête.
* * * * *

Hubert.

Mais vous regnez.

Le Roi.

Hubert, je vois sur mon chemin
Un serpent, qui—

Hubert.

Parlez.

Le Roi.

Qui m'épouvante.

Hubert.

Enfin ?

Le Roi.

Qui s'accroît tous les jours—qui vit dans ce lieu même,
Que tu connois.

Hubert.

Arthur ?

Le Roi.

C'est lui. Le rang suprême,

Le jour, tant qu'il vivra, me seront odieux.
Je crois le voir, l'entendre, à tout l'heure, en tous lieux.
Il faut de ce tourment qu'enfin je me délivre.

Hubert.

Vous voulez, donc, sa perte, et qu'il cesse de vivre ?

Le Roi.

Oh non, je ne veux pas ordonner son trépas.
Il n'est point nécessaire.

Hubert.

Il ne mourra, donc, pas ?

Mais—quels sont vos désirs ?

Le Roi.

Tu sais que l'Angleterre

Croit ses yeux dès long-temps fermés à la lumière ;
Qu'il ne peut plus regner. Si combattant pour lui
Le peuple dans la tour me forçait aujourd'hui ;
S'il voyoit, d'un faux bruit reconnaissant la fable
Que de regner sur eux il est encore capable ;
Par son amour pour lui, par sa haine pour moi,
Arthur, n'en doute pas, serait bientôt leur roi.
Il faut, mon cher Hubert, sans que rien nous retienne,
Il faut que ce faux bruit—

Hubert.

Achevez.

Le Roi.

Qu'il devienne.

Vrai—vrai—Tu m'as compris, tu peux tout dans ce lieu ;
Tu ne veux point sa mort. Sauve ton maître.—Adieu.

(*Il sort.*)

This, we think it will be allowed, is not without force ; and if Ducis had written always thus, we could have mentioned him with more respect. Such as he was, he was popular among his countrymen ; and though we may hold in contempt the literary prejudices to which, with all his ambition of originality, he timidly and tenaciously clung, it may be doubted if at that time a writer more emancipated from such restraints could have effected a greater progress towards reform. He would have on

shocked and startled those whom it was his purpose to attract. Ducis was a reformer not too much advanced beyond the times he lived in. He effected his object (though a very limited one) with the slightest possible derangement of previous opinions; and he conciliated the upholders of the old French drama, by showing them that the beauties which he wished to ingraft were not altogether incompatible with those which they had been accustomed to admire.

The career of imitation thus encouraged by Ducis, was not pursued by others with much success; and it is needless to dwell on such works as the *Tombeaux de Verone* of Mercier, a feeble follower of the school of Diderot. But the impulse thus given, though it did not lead to direct imitation, had the very perceptible effect of infusing into the dramatic works of that period a freedom, an energy, an attention to characteristic delineation and historical propriety, which had not appeared in the writings of a preceding time. Arnault, Raynouard, and Chenier, are foremost of the writers in whom these favourable results were seen. The French Revolution, though in a less degree than might have been expected, had a beneficial influence upon the liberties of literature—liberties which, like all others, were doomed to remain in abeyance under the Imperial *regime*. Peace came, and with it an increased communication with England and English literature; at that time rich beyond example, and bearing in its van the names of Scott and Byron. It is to them, and many others of their countrymen, of considerable, though less renown, that France is mainly indebted for that improvement in some of the ornamental departments of her literature which we shall soon have the pleasure of observing. We must not, at the same time, forget the obligations due to Madame de Stael, who threw the weight of her great talents considerably into the scale of that party which she called *Romantic*, and illumined it with a portion of that reflected light which Germany had derived from England. But the good which was effected by Madame de Stael was not unmixed with harm. To her the public were unhappily indebted for those names, *genre classique*, and *genre romantique*, by which she distinguished the rival styles. By affixing these distinctions, and establishing an imaginary classification, she rather did disservice to the romantic party, whose cause she espoused, and whose strength lay mainly in the disavowal of those conventional forms, the importance of which she was too willing to acknowledge. Her fanciful distinction between the literature of the South and the literature of the North, and her still more fanciful theory that the latter owed its origin to Ossian, gained

little credit: but the watchwords which she had suffered to escape were caught up, and the *litterateurs* of France began peremptorily to designate works of imagination as either *classiques* or *romantiques*; and they were admired or ridiculed, accordingly, much more with reference to these distinctions, than to their more intrinsic qualities. The question of the respective merits of two styles was argued with a vehemence and asperity, which, to us who are only *politically* factious, and consider, with reason, that subjects of art or literature are not fit vehicles for party spirit, was singular and amusing. National feeling was even brought in to give a zest to the contest; and the supporters of the *genre classique* thought themselves justified in taxing with want of patriotism those who upheld the excellence of foreign models. A literary dispute, carried on in such a spirit, could hardly fail to exhibit the same perversion of language—the same substitution of words for ideas—which is often to be deplored in political controversy. It would have been little creditable to the literary character of France if such a style of criticism, so narrow and trivial, could have long prevailed; and if the advocates of the *genre romantique* the champions of literary emancipation, could have consented to engage in so confined an arena. But the foremost of their body have wisely rested the merits of their cause on more enlarged principles, and have disclaimed the distinctions which were sought to be established, and the watchwords by which they were to be known. Victor Hugo, in the preface to his Odes, ‘répudie tous ces termes ‘de convention que les parties se jettent réciproquement comme ‘des ballons vides, signes sans signification, expressions sans ‘expression, mots vagues que chacun définit au besoin de ses ‘haines ou de ses préjugés, et qui ne servent de raisons qu’à ‘ceux qui n’en ont pas. Pour lui il ignore profondément ce ‘que c’est que le *genre classique* et que le *genre romantique*. En ‘littérature, comme en toute chose, il n’y a que le bon et le mauvais, le beau et le déforme, le vrai et le faux.’ ‘On entend ‘tous les jours,’ says the same writer in another place, ‘à propos ‘de productions littéraires, parler de la *dignité* de tel genre, des ‘*convenances* de tel autre, des *limites* de celui-ci, des *latitudes* de ‘celui-là: la *tragédie* interdit ce que le *roman* permet: la *chanson* ‘tolère ce que l’*ode* défend. L’auteur de ce livre a le malheur ‘de ne rien comprendre à tout cela; il y cherche des choses, et il ‘n’y voit que des mots; il lui semble que ce qui est réellement ‘beau et vrai, est beau et vrai partout; que ce qui est dramatique ‘dans un roman sera dramatique sur la scène; que ce qui est ‘lyrique dans un couplet sera lyrique dans un strophe; et ‘qu’enfin et toujours la seule distinction véritable dans les œuvres ‘de l’esprit est celle du bon et des mauvais.’ The above pas-

sages are creditable to the taste and sense of the writer; but they are not very creditable to the public to which they were addressed. To us they are truisms, and recall to our recollection the remark recorded by the Baron de Stael, as made to him by one of our most distinguished countrymen, with reference to some forcible exposition of a general principle by a French writer. 'C'est remarquablement spirituel; mais dans ce pays-ci nous tenons tout cela pour accordé.' M. de Stael quotes the remark, in illustration of his position, that we are much advanced beyond his countrymen in political knowledge. The observations of Victor Hugo tend, in like manner, to show that we are similarly advanced in enlargement of opinion on literary subjects. We hardly know at what period it might have been considered necessary to impress such principles upon the reading public of this country; unless perhaps in the Anglo-Gallic days of Charles II., or in that season of decrepitude and inertness with which our literature was afflicted during many years of the last century. Casimir Delavigne, whom we consider one of the first names in modern French literature, appears to have felt that such principles as M. Hugo has advocated ought now to be received as established data, and that little honour can be gained even by a successful disputant in the contest between the *classiques* and *romantiques*.

'Deux systemes,' says he, in his preface to *Marino Faliero*, 'partagent la littérature. Dans lequel des deux cet ouvrage a-t-il été composé? C'est à que je ne déciderai pas, et ce qui d'ailleurs me paraît être de peu d'importance. La raison la plus vulgaire veut aujourd'hui de la tolérance en tout: pourquoi nos plaisirs seraient ils seuls exclus de cette loi commune?'

We will now turn to the play of *Marino Faliero*. We have kept M. Delavigne long in the antechamber, while we have been engaged with his predecessors; but our examination of them will only have enabled us to place his merits in a more favourable light. His performance, like those of Ducis, is an imitation of an English play—the well-known tragedy by Lord Byron—to whom he does not scruple to confess his obligations. But how great is the difference between the imitations by Ducis and by Delavigne! and how much are we rendered sensible, not only of the difference of the talents of these two writers, but also of the great assistance which the latter has derived from the more enlarged literary views, and healthier tone of criticism, which are now beginning to prevail! Instead of following timidly and at a distance, the French writer seems in some instances to have changed places with his English prototype. We find in Delavigne's play the freedom, the vivacity, the compression, the rapid march

and fulness of inci-

dent and interest, which are among the best characteristics of the English Drama; while in Byron's, in spite of the admirable force and beauty of the numerous striking passages which are scattered through it, we have too much of that cumbrous magnificence and polished languor with which the *chefs-d'œuvre* of the French school are justly chargeable. We are far from intending to place M. Delavigne upon a poetical equality with Lord Byron. As a poet, we hold him to be decidedly inferior; and in saying this, we do not conceive that we are passing a very heavy censure. Even in his imitations (translations, we might almost call them) of some of the most brilliant passages in the English play, he has not succeeded in retaining the force and splendour of the original; and has suffered many a fine image and powerful expression to escape unnoticed. With these defects, however, the will and talent of the French poet must not be wholly charged. Much must be attributed to the language in which he wrote. Nobody much conversant with French literature can have failed to observe the poverty and inadequacy of that language as a vehicle for poetry. Where Byron, in his mastery of a language combining force, flexibility, and abundance perhaps above all modern tongues, and which was the ready organ of his 'thick-coming fancies,' could condense a metaphor into a word, and pour into each glittering sentence the full tide of his magnificent imagery; his French imitator was condemned to the alternative of either relinquishing a portion of this poetical treasure, or feebly and tediously introducing it through the medium of a spiritless paraphrase—ushering in the compressed and exuberant sentiments of his original with such a long-drawn retinue of words, that their absence became preferable to their insertion. We know the difficulty of imitating, in English, the force, comprehensiveness, and conciseness of Greek poetry; and a similar, though perhaps greater, difficulty must be felt by the French translator of English. If, therefore, M. Delavigne may be convicted of some failures in his execution of the more purely poetical parts of his works, these failures may, in some degree, be attributed to the insufficiency of the language which he was constrained to employ. But he has amply redeemed his credit by his performance of the other parts of his task. He has produced a work more essentially dramatic than that of his prototype. The *Marino Faliero* of Byron is a better poem; but we hold that of Delavigne to be a better play. We have not the eloquent anathema which Byron's Doge pours forth at the place of execution, but we have a parting scene more powerfully affecting, and, we may add, more natural. We have not the beautiful night scene described in those splendid lines which are put into the mouth of Byron's Lioni, and which, we must confess, would

have been better adapted to a poem on Venice, than to the drama in which they are found; but we have Lioni more dramatically introduced to us in the following scene, which, short and unlaboured as it is, conveys an able and characteristic picture of the Venetian senator of that period.

Lioni, Verezza, sur le devant de la scene ; serviteurs occupés des apprêts d'un bal ; Bertram, au fond, dans un coin.

Lioni, bas à Verezza.

On vous a de Steno renvoyé la sentence ;
Vous l'exécuterez, mais avec indulgence.
L'état veut le punir comme un noble est puni :
Des égards, du respect.

Verezza.

Le seigneur Lioni

Me parle au nom des Dix ?

Lioni.

Leur volonté suprême

Laissé-t-elle un d'entre eux parler d'après lui-même ?
Vous pouvez être doux, en voici l'ordre écrit.

(Le prenant à part.)

Cet autre ne l'est pas : il regarde un proscrit
Par jugement secret traité comme il doit l'être ;
Le prisonnier des plombs : un gondole, un prêtre,
Au canal Orfano. Sortez.

(À ses serviteurs.)

Partout des fleurs !

Que les feux suspendus et l'éclat des couleurs,
Que le parfum léger des roses de Byzance,
Les sons qui de la joie annoncent la présence,
Que cent plaisirs divers d'eux mêmes renaissans
Amollissent les cœurs et charment tous les sens.

(À Bertram.)

(Aux serviteurs.)

Approchez vous, Bertram.—Laissez nous.

A tolerably strict adherence to history has necessarily produced a good deal of similarity in the plots of the two plays. The points in which Delavigne's most materially differs, is in making the wife of the Doge guilty, but penitent, instead of the chaste and dignified matron which Byron exhibited in his *Angiolina*. That the latter is a finer character than Delavigne's *Elena*, cannot be denied ; but we think it will be allowed that the heroine of the French play is more effective on the scene than the *Angiolina* of Byron, and accords better with the attendant circumstances of the story. Steno's calumny becomes absurdly improbable when levelled at an *Angiolina* ; and this improbability tends to exaggerate the unreasonableness of the overweening resentment of the old Doge ; and thus the circumstances which, even in history, are rather perplexing, become doubly inconsistent in

the play. But this inconsistency is greatly lessened by rendering the character of the wife, if not glaringly culpable, yet one on which, in the eye of the public, an imputation might be more plausibly fastened. It is difficult to cite passages from M. Delavigne's play to justify our commendations—but this is as it should be. The merit of a drama should consist less in description than in action,—less in such passages as may be easily detached, than in the gradual developement of character, and the arrangement and connexion of all its parts. We are therefore saying nothing in disparagement of M. Delavigne's play, when we state that it contains few *isolated* passages of very transcendent merit. We will, however, make one quotation. It shall not be any single speech, or specimen of description, but a scene which is very unlike any thing we had ever before met with in a French tragedy. Faliero is expecting the announcement of the sentence which the Council had pronounced on Steno.

Faliero.

Homme faible, où m'emporte une aveugle colère ?

A Zara, quand j'appris la perte de mon frère,

Je domptai ma douleur et je livrai combat.

Prince ferai-je moins que je n'ai fait soldat ?

(*A Fernando.*)

L'Etat doit m'occuper : je vais dicter—prends place.

(*Fernando s'assied près d'une table.*)

‘Moi, Doge aux Florentins.’ Ecris.

Fernando.

Ma main se glace.

Faliero.

Allons ! calme ce trouble.—Ils recueillaient les voix.

Qu'ils sont lents !

Fernando.

Poursuivez.

Faliero.

Qu'ai je dit aux Génois ?

Fernando.

Votre Altesse écrivait au sénat de Florence.

Faliero.

Ah ! je voudrais en vain feindre l'indifférence !

Je ne puis : je cède et me trouble à mon tour.

Mais on arrive enfin ; je respire.

Le Secrétaire des Quarante.

La cour

Depose son respect aux pieds de votre Altesse.

Faliero.

Leur respect est profond : jugeons de leur sagesse.

La sentence ! donnez.

Le Secrétaire.

Le voici.

Fernando, à son oncle.

Vous tremblez.

Faliero.

Moi!—non—je—non—pourquoi! Lis, mes yeux sont troublés
Lis—

Fernando, lisant.

Il est décrété d'une voix unanime

Que Steno convaincu—

Faliero.

Passe, je sais son crime.

Le chatiment!

Fernando.

Un mois dans les prisons d'état.

Faliero.

Après?

Fernando.

C'est tout.

Faliero, froidement.

Un mois!

Fernando.

Pour ce lâche attentat!

Le Secrétaire au Doge.

La Cour, de votre Altesse attend la signature.

Fernando à son oncle, que s'approche à la table.

Et vous——

Faliero.

C'est mon devoir.

Fernando.

Quoi, d'approuver l'injure?

Faliero.

Un mois! Dieu!

(La plume tombe de ses mains.)

(Au Secrétaire, en lui remettant le papier.)

Laissez nous.

Le Secrétaire.

L'arrêt n'est pas signé.

Faliero.

Non? J'ai cru—

(Il signe rapidement, et le rendant au Secrétaire.)

Sortez donc.

Here little is said,—but every word is the faithful, though involuntary, interpreter of the feeling which accompanies it. There may be more showy brilliancy in eloquent harangues and poetical descriptions; but it is in the brief and characteristic touches of a scene like this, that the essential requisites of dramatic composition are to be found. If M. Delavigne and his fellow-dramatists (of whom MM. Dumas, Victor Hugo, and De Vigny seem most worthy of commendation) will write always in this spirit, they may obtain for French dramatic literature a reputation more extensive and enduring than has been gained even by Racine and Corneille.

ART. XII.—*The Life of Major-General Sir Thomas Munro, Bart. and K.C.B., late Governor of Madras, with Extracts from his Correspondence and Private Papers.* By the Rev. G. R. GLEIG, M.A. M.R.S.L. 2 vols. 8vo. London. 1830.

MILTON's imagination has 'bodied forth' few more striking scenes than the splendid panorama of 'great and glorious 'Rome, with towers and temples proudly elevate.' Amidst the conflux issuing forth or entering in—'Prætors, Proconsuls, to their 'provinces hasting, or in return,' and the embassies 'in various 'habits on the Appian Road, or on the Emilian'—the most prominent figures are those

'From India and the golden Chersonese,
And utmost Indian Isle, Taprobane,
Dusk faces, with white silken turbans wreath'd.'

Julius Cæsar would be scarcely more surprised than the poet of the Commonwealth, at learning that we barbarian Britons, in our utmost western isle, could now show something of a pendant to this imperial picture. It is true that the brick and sky of London do not afford matter for the same gorgeous description. But our architectural deficiency might be well made up by the philosophical poet, who would so far moralize his song as rightly to contemplate and compare the Tiber and the Thames, and unveil the thousand wonders of human art and enterprise which are contained, first or last, in the vulgar spectacle of an East Indian setting sail with her freight of Writers and Cadets.

Take a map and a pair of compasses—our Indian empire is astonishing enough. But the more we reflect on the strangeness of the connexion in all its circumstances, there will be found nothing similar to it in history, and nothing more improbable in romance. The great anomaly is the empire itself. Among all its incidents, however, none is more anomalous than that its administration should have been exclusively carried on by successive supplies of civil and military Mamelukes, recruited from year to year into their master caste, out of our schools at home. Burke's statement is in great measure true at the present day. 'These 'servants have almost universally been sent out to begin their 'progress and career in active occupation, and in the exercise of 'high authority, at that period of life which, in all other places, 'has been employed in the course of a rigid education. To put 'the matter in a few words, they are transferred from slippery 'youth to perilous independence, from perilous independence to 'inordinate expectations, from inordinate expectations to bound-'less power. Schoolboys without tutors, minors without guar-

'dians, the world is let loose upon them with all its temptations ; ' and they are let loose upon the world with all the powers that ' despotism involves.' Under such a system, insufficiencies of all kinds, moral and intellectual, must have of necessity all along existed, and do still exist. It is a wonderful proof of the forming power of circumstances, that the patronage of such boy-appointments should not have impeded the machine to an infinitely greater extent than was ever surmised even by Burke himself in the worst of times. The very pressure of a responsibility so tremendous forces out of the character whatever latent power it may possess. Nor is it only extraordinary that the downright and declared failures should be so few. It has been the singular good fortune of the Company, that men of uncommon merit have from time to time risen up under this reign of accident and favour. Among their own servants, thus educated by India for Indian objects, three characters stand out as far more eminent than the rest. There was a Clive to lay deep the foundation of their empire ; a Warren Hastings to build it up with equal intelligence and spirit. In another part of the Peninsula, and in our own days, arose Munro,—a man evidently in himself equal to every exigence, and wanting only opportunities to have left a name as celebrated as that of either predecessor. He toiled slowly up from obscurity to distinction, and earned, letter by letter, every syllable of that glowing praise, which was not the less cherished for coming late ;—coming, as it did, publicly, and in his country's name, from one who had a kindred sympathy with genius. ' Europe never produced a more accomplished statesman, nor ' India, so fertile in heroes, a more skilful soldier.' *

The origin and progress of our Indian empire may some day become an object of national interest. It is satisfactory to know that, in that event, the most important period of its history may be studied in the writings of the two principal actors in those singular transactions. The same materials will exhibit a biographical representation of these eminent individuals, drawn in the only way in which it can be worth having,—naturally and unconsciously, by themselves. We should like to hold Sir John Malcolm to a sort of promise given in the Preface to his *Political History of India*. After mentioning that all the papers, public and private, of Lord Clive, had been unreservedly confided

* Canning's *Speech on the Mahratta War*.—In a private letter, Munro thus notices another speech by Mr Canning, at the dinner given on his going out to Madras : ' It is worth while to be a governor, to be spoken of in such a manner, by such a man.'

to him by Lord Powis, he adds, 'a separate work may probably be formed from this interesting collection, which will throw equal light upon the history of our rise to political power in India, and the character of that great man who may be called its founder.' If, on his return to Europe, this active officer would set apart a portion of his well-earned leisure to the execution of this work, it is nearly the greatest favour he could add to those which he has already bestowed upon Indian history. Few men have a stronger personal interest than himself, in making our Oriental annals accessible, and, if possible, popular, at home. Warren Hastings also left behind him an ample store of documents. The task of turning them into Memoirs is fortunately in the hands of the very person, who is, above all others, best qualified by hereditary attachment, and accurate knowledge, for the successful discharge of so difficult a trust. Sir Thomas Munro, although, in point of date and sphere, the last and least of this remarkable triumvirate, has found his biographer the first. The collection of the correspondence and confidential papers, which form the peculiar attraction of this species of literature, was the work principally of Mr Ravenshaw. The selection of that portion of them which is communicated in these volumes, devolved, with the responsible editorship, upon Mr Gleig. Munro wrote with as much facility as beauty. Fortunately there are still preserved more of his original letters from an early period than it has been thought advisable to introduce at present. Fortunately, also, the editor is already in the enjoyment of a literary reputation sufficiently well established, to allow of his passing over the opportunity of self-display which the office of editor affords. Munro is left, therefore, in possession of his own pulpit. No cold narrative is set before us in the place of that animated story which the son and brother had already related to his family circle much more originally himself. Mr Gleig appears very little; and when he does come forward, it is in so unassuming a manner, that the presence of a third person on the scene is scarcely observed. His share is merely that of furnishing the useful string which holds the pearls together. The life of a great and good man, in circumstances of peculiar novelty and importance, is placed unreservedly before us. To our nation of Eastern magistrates and placemen the model is invaluable. An example of this sort, thus impressively presented to the youthful rulers of her distant provinces, is a present which a parent empire could not buy, and whose worth is not to be calculated by money, though the money were all the riches of that East. The encouraging exhortation, 'Go thou, and do likewise,' can scarcely be stilled to silence by the languor of an oppressive

climate, or the yet more fatal listlessness of mere mechanical routine.

An individual life is soon gone, and its immediate consequences, whether for good or for evil, are 'cribb'd and cabin'd' within a very bounded sphere. It is through its influence by example,—it is in its moral effects on his fellow-creatures, as comrades, followers, admirers, victims, that the thoughts and actions of a human being may acquire a fearful vitality, and reach to the utmost end of time. He may thus be made a contemporary protector or corrupter through all future ages. A biographer, therefore, who undertakes by his express office to preserve the memorials of a life, which would otherwise have been quickly forgotten in the grave, is more answerable for these main and lasting consequences, than the person whose existence he prolongs. The choice of a subject, always a matter of great importance, becomes, in such a case, of the very greatest. The friends of genius sometimes place themselves in a perilous dilemma. Their personal affection bribes and perverts their judgment. A prurient world, restless to authenticate the supposed frivolities and licentiousness of those it has helped to spoil, halloos them forward,—till the Press, with its thousand tongues, carries over Europe the secret details of passions and of errors, difficult to be described, without a double treachery, involving the rights of private reputation, and the public interests of virtue. On the other hand, the writer, whose humble station or retiring habits may have prevented him from the possibility of offering any eminent example in his own person, may acquire, as a biographer, an influence beyond his proudest hopes. By this virtuous device, the spitefulness of fortune is defeated. He enters into rivalry with the noblest qualities, by a manifestation of moral consanguinity to the 'sublime' he draws.' This alliance makes him a partner somewhat in the glory, and, what is of more importance, in the vivifying result, by which every setter of a great example is a benefactor to mankind. The indolent and corrupt find so many answers to the inventors of abstract doctrines and paper propositions in behalf of virtue! Our standard is put too high; our theories are the dreams of a hermitage, and not the actual possibilities of life. Threescore years and ten, dedicated to the good of others, with a kingdom for a stage, is a substantial testimony, which cannot be so flippanantly disposed of. One precedent, well developed, is worth, therefore, a hundred books. Besides, it not merely shows that the thing *can* be done, but *how* to set about it. This effect is too intrinsic and natural to be evaded. The picture of a great character moving onward year after year in the steady accomplishment of great objects, acts like a prophet sent to call us away

from cares and pleasures, alike contemptible. This—or nothing—will breathe into our minds the emulous self-devotion which alone can strengthen mere goodness of disposition into the growth and efficiency of decided virtue. The proud advantage of moral over material beauty consists in this creative and forming power. A Raphael portrait is, after all, only a glorious work of art. No one becomes handsomer by sitting a livelong day before the Belvidere Apollo. But the contemplation of an object of moral beauty makes others like unto itself. From no book of homilies will the missionary learn half as much as when he sets before him the patriarch Swartz, encircled by the love of God and man, in his dependent villages at Tanjore. Where can any future Eastern bishop hope to find, in the nineteenth century of Christianity, so vivid an image of the first, as whilst waiting upon ‘The last days of Heber?’ Woe be to him, unless he can there learn to worship as holy ground the glades of Ceylon, consecrated by those apostolic labours, and see a brighter glory over the grave of Trinchinopoly than in the palaces of Europe! But duty and humanity have their missionaries and their martyrs in every walk of life. We have heard of natives seen kissing the foot of the statue of Cornwallis at Calcutta. That of Munro at Madras, (where, in the Ceded Districts which he so long governed, he was known by the glorious appellation of ‘the Father of the People,’) will be sainted by the same popular veneration. They are the most honourable monuments our procousular rule can ever boast.

The Memoir to which we proceed to introduce our readers has attractions of all kinds. But it is in a moral sympathy, which the most lukewarm can scarcely fail to catch, that, after all, we place its greatest value. This charm, this ‘touch of nature,’ which ‘makes the whole world kin,’ must reach beyond the limits of the Indian Peninsula, and may survive even our Indian dominion. Our principal extracts will be of a familiar nature. The reader will be the more delighted when, advancing into the wider scenes, he has beforehand learned to love in the character of Munro, the kindly virtues, with which what the world would call his higher faculties were combined. Unions of this sort are excellent studies and encouragements. Official pedants may be taught that tenderness of sentiment and a vein of playful fancy, are by no means incompatible with a genius for affairs. Judging also by some of our domestic politicians, there seems something so hardening in their career, so debasing in their artifices, and so wretched in their jealousies, that we rejoice to show them an ambition of a different kind. A spirit conscious of its powers both for politics and for arms, and a life worn

down in the drudgery of the public service, may, when there is a heart and a character to begin with, give only a more solemn energy to both.

The father of Sir Thomas Munro was a respectable merchant at Glasgow. He appears to have been bent on bringing up his son in the same profession. His bankruptcy, occasioned by the American war, and principally by the act of confiscation which was passed in the Congress of 1776, did not deter the father from abiding by his original determination. A predilection for literature, and for military life, which broke through and directed his early reading, would not have induced the son to abandon his father's choice. He left the counting-house at last, for no other reason but that his father was unable to support him there. Under these circumstances, in 1779, at the age of eighteen, he arrived alone in London: a cadet on his way to India. The buoyancy of spirits which was to carry him over so many difficulties and regrets, during his eventful exile, did not fail him at this, one of life's most melancholy trials. The few lines which contain our only notice of this period, are more like the letter of an heir come up for a London season, than of a young adventurer leaving the home he loved, to cross the globe. 'I got a false tail next morning. George Brown says it is one of the handsomest in London. I must own it is perfectly genteel; it is exactly the size and shape of a farthing candle.' We hear of this lively ornament only once again. After the wear and tear of many years, it reappears in Canara, in the journal of his assistant Mr Read. From its being then generally tied with a piece of red tape, for want of some more appropriate wrapper, we should hardly recognise our former acquaintance thus gaily introduced. Arriving at Madras in 1780, he found his introductions likely to obtain for him nothing but civil speeches; and that he must trust for advancement to his own exertions. He seems afterwards, as governor, to have treated such letters with as little ceremony; for he tells the Duke of Wellington, 'The few young men who have brought me letters from your Grace, have, I fear, derived little benefit from my acquaintance. I have, however, done what I believe you would have done yourself. I have requested the officers under whom they were placed, to look after them, and make them learn their duty.' Hyder broke off the humorous sketches which the novelty of the scene tempted him to draw. He was hurried off to his regiment amid too great a tumult to have realised in his own person the quarrels with the natives, in which, it seems, first comers contrive so universally to get involved. He subsequently declared, that a single ensign newly arrived from Europe, pro-

duced more alarm when going up the country to join his corps, than a whole regiment of veterans. On this occasion, black columns of smoke, everywhere in view from St Thomas's Mount, were the first signal to our government of its danger. The previous negligence of the civil, was fairly matched with the subsequent incapacity of the military, department. A series of blunders, from whose fatal consequences Sir Eyre Coote appears to have arrived only just in time to save us, provokes our cadet to exercise his talent for military criticism very early in his career. 'Experience,' as he says afterwards, 'might have taught them, at least in this country, to build less on great names; for they have seen so many impositions on the understanding of mankind, invested with high offices, and recommended by common fame, as were enough to prejudice them against any man who should come among them with such credentials.' (Vol. i. p. 86.)

Many successive years were now destined to be consumed in the subaltern duties of his profession. But his mind appears to have been all along silently unfolding its capacity and strength, and educating itself in the school of circumstances. If these years were inglorious ones, they were passed both usefully and happily;—whilst nothing either in the bustle of a campaign, or in the listlessness of country quarters, could withdraw his affections from his family. His letters to its different members, preserve the proper character of each with as much distinctness as if Aristotle had held his pen. To his father he unravels the mystery of Indian politics and revenue—the policy of Hyder and Tippoo, the Amilcar and Annibal of our Eastern story. His brother, who followed him to India, has the benefit of his excellent advice, given with a considerateness and a knowledge of the world worth a dozen private tutors. His mother's comforts, her country house, her garden, remain as present to him as if he had never left her roof. But his sister is evidently his favourite correspondent. His tone changes as soon as he addresses her. The broodings, recollections, and anticipations of his heart, come forth out of their secret places. It realises our own notions of that fortunate relationship, in which a man and woman, of the same age, taste, and feelings, may grow up from childhood in the perfect confidence of familiar friendship, secure from the possibility of its being ever broken up by love, and all the contingencies of that fatal fever.

We will begin with the following extract. It is part of a letter to his sister from the camp before Cuddalore.

'You cannot conceive what labour I go through a little before the departure of the Europe ships. I have half-a-dozen of long letters

to write, which employ me three or four nights. I have never yet been able to divest myself of my partiality for home: nor can I now reflect, without regret, on the careless, indolent life I led in my father's house, when time fled away undisturbed by those anxious thoughts which possess every one who seeks earnestly for advancement in the world. I often see my father busied with his tulip beds, and my mother with her myrtle pots; I see you drawing, and James lost in meditation: and all these seem as much present to me, as they did when I was amongst you. Sometimes, when I walk on the sea-shore, I look across the waves, and please myself with fancying that I see a distant continent amongst the clouds, where I imagine you all to be.'

Thoughts like these were not poet-dreams, rising and fading as the mist. He had left his father surrounded by money difficulties. To assist him under these, seems to have been long the leading object with his noble-minded son. There are two things of which Scotland has as much reason to be proud, as of her feats in arms, and her school of philosophy. First, the deep strain of simple virtue and of domestic affection which characterises her national songs—the poetical literature of her lower orders; and next, the family attachment and fidelity to their father's house, over which, in so many of her children, distance and absence seem to exercise so little power. In his maiden campaign, Munro had contrived to live upon his pay, so that his extra-allowances were remitted in aid of those whose deprivations he felt more forcibly because he did not share, and could not adequately relieve them. His thoughts seem to have been always turning homewards, in the spirit of that most beautiful patriarchal story, 'The old man of whom ye spake, is he yet alive?' An early letter to his mother, representing his affectionate disquietude, must have brought happy tears into the eyes of the parent whom he so tenderly reproaches.

'The only cause I have for repining, is my inability to assist my father as I wish, and the hearing that your spirits are so much affected by the loss of his fortune. Yet I cannot but think that you have many reasons for rejoicing. None of your children have been taken from you; and though they cannot put you in a state of affluence, they can place you beyond the reach of want. The time will come, I hope, when they will be able to do more, and to make the latter days of your life as happy as the first. When I compare your situation with that of most mothers whom I remember, I think that you have as little reason for grieving as any of them. Many that are rich, are unhappy in their families. The loss of fortune is but a partial evil: you are in no danger of experiencing the much heavier one—of having unthankful children. The friends that deserted you with your fortune, were unworthy of your society: those that deserved your friendship, have not forsaken you. Alexander and I have agreed to remit my father L.100 a-year between us.'

What makes this generosity infinitely more touching, is the fact, that the means from which it was borrowed, were not his superfluities, but almost his necessities. The proof of this appears incidentally in an answer to his sister. Cowper could not have replied to the jesting compliments of his fair cousin with greater pleasantry.

‘ I have often wished that you were transported for a few hours to my room, to be cured of your western notions of Eastern luxury, to witness the forlorn condition of old bachelor Indian officers, and to give them also some comfort in a consolatory fragment. You seem to think that they live like those satraps that you have read of in plays: and that I, in particular, hold my state in prodigious splendour and magnificence;—that I never go abroad unless upon an elephant, surrounded with a crowd of slaves,—that I am arrayed in silken robes, and that most of my time is spent reclining on a sofa, listening to soft music, while I am fanned by my officious pages, or in dreaming, like Richard, under a canopy of state. But while you rejoice in my imaginary greatness, I am most likely stretched on a mat, instead of my regal couch; and walking in an old coat, and a ragged shirt, in the noonday sun, instead of looking down from my elephant, invested in my royal garments. You may not believe me when I tell you, that I never experienced hunger, or thirst, fatigue, or poverty, till I came to India; that since then, I have frequently met with the first three, and that the last has been my constant companion. If you wish for proofs, here they are:—I was three years in India before I was master of any other pillow than a book or a cartridge-pouch; my bed was a piece of canvass, stretched on four cross sticks, whose only ornament was the great-coat that I brought from England, which, by a lucky invention, I turned into a blanket in the cold weather, by thrusting my legs into the sleeves, and drawing the skirts over my head. In this situation, I lay like Falstaff in the basket,—hilt to point,—and very comfortable, I assure you, all but my feet; for the tailor, not having foreseen the various uses to which this piece of dress might be applied, had cut the cloth so short, that I never could, with all my ingenuity, bring both ends under cover; whatever I gained by drawing up my legs, I lost, by exposing my neck; and I generally chose rather to cool my heels than my head. This bed served me till Alexander went last to Bengal, when he gave me an Europe camp-couch. On this great occasion, I bought a pillow and a carpet to lay under me, but the unfortunate curtains were condemned to make pillow cases and towels; and now, for the first time in India, I laid my head upon a pillow. But this was too much good fortune to bear with moderation; I began to grow proud, and resolved to live in great style; for this purpose, I bought two table-spoons, and two tea-spoons, and another chair, for I had but one before,—a table, and two table-cloths. But my prosperity was of short duration; for, in less than three months, I lost three of my spoons, and one of my chairs was broken by one of John Napier’s companions. This great blow reduced me to my original obscurity, from which all my attempts to emerge have hitherto been vain. My dress has not been much more splendid than my

I have never been able to keep it all of a piece; it grows tattered in one quarter, while I am establishing funds to repair it in another; and my coat is in danger of losing the sleeves, while I am pulling it off to try on a new waistcoat. My travelling expeditions have never been performed with much grandeur or ease. My only conveyance is an old horse, who is now so weak, that, in all my journeys, I am always obliged to walk two-thirds of the way; and if he were to die, I would give my kingdom for another, and find nobody to accept of my offer.' (Vol. i. p. 73.)

We wish that the subalterns who have been lately in half rebellion, from the reductions of full-Batta and Command allowance, would meditate on this example. It entitles his recorded opinion in 1826 to some deference. 'A subaltern upon half-Batta may live not only without distress, but comfortably, in any part of India. It is not necessary that he should do more. It is even better that he should feel difficulty occasionally.' (Vol. ii. p. 256.) 'The subaltern is never taught economy; he starts with extravagant notions, and never afterwards becomes sober.' (Vol. ii. p. 265.)

The true principle of pay in our Indian army, unless we are prepared to establish the worst sort of colonists, (those with swords in their hands,) is laid down in the following passage: 'Military allowances both to European and native officers, ought to be regulated on the principle of holding out increasing advantages at every progressive step, and the means of realizing a competency after a certain period of service; but under no government will the public resources be adequate to this object, if the allowances to the inferior ranks of the army are too high.' (Vol. ii. p. 255.)

It is important to raise the pay of the commandant, so as to enable him to keep up some connexion with the natives, who cannot be entertained but at a considerable expense; principally, lest, deprived of all hope of returning to his native country, he should relinquish Europe, and consider India as his home. 'A native army, commanded by officers who have no hope of ever returning to Europe, would be a most dangerous instrument for effecting the separation of our Indian possessions from the British empire.'

The peace, in 1792, with Tippoo, ceded the Baramahl to the Company. The impossibility, at that period, of finding in the civil service persons sufficiently acquainted with the native languages to undertake the management of the revenue, turned Munro over into that department, where his eminent talents and reputation were henceforward principally to be formed. A collector of revenue under our Indian government, is, in fact, a minister of finance, and something more. His own account of

his principal will show the school out of which this eminent class of civilians (of whom Munro was to become the representative and spokesman) sprang. At Madras, to say of a collector that he was one of Munro's men, soon came to be understood as saying every thing that was to be said.

'I observe the Glasgow politicians have given a large fortune to Captain Read, and some *pickings* to me. Read is no ordinary character; he might, in Mysore, have amassed as much money as he chose, and by fair means too; but he was so far from taking advantage of his situation for this purpose, that he even gave up his bazar, and many other perquisites of his military command, and received nothing but his prize-money and commission, which altogether, I believe, amounted to about six thousand pounds. Whatever I might have done, had I been left to myself, I could get no pickings under such a master, whose conduct is invariably regulated by private honour and the public interest. These, and an unwearied zeal in whatever he undertakes, constitute the great features of his character. The enthusiasm in the pursuit of national objects, which seizes other men by fits and starts, is in him constant and uniform.' (Vol. i. p. 147.)

His duties, the principle on which the revenue ought to be managed, and the mischievous consequences of the present system on the wealth and population of the country, are related in two or three excellent letters to his father. (Vol. i. pp. 153, 186, 204.) A short and lively journal, transmitted to his mother, depicts with great vigour the singular mode of life into which he was thrown by his new profession.

'Where I am now, I have no choice of study, or society, or amusement. I go from village to village, with my tent, settling the rents of the inhabitants; and this is so tedious and teasing a business, that it leaves room for nothing else,—for I have no hour in the day that I can call my own. At this moment, while I am writing, there are a dozen of people talking around me; it is now twelve o'clock, and they have been coming and going in parties ever since seven in the morning, when I began this letter. They have frequently interrupted me for an hour at a time. One man has a long story of a debt of thirty years' standing, contracted by his father. Another tells me that his brother made away with his property when he was absent during the war; and a third tells me that he cannot afford to pay his usual rent, because his wife is dead, who used to do more work than his best bullock.' (Vol. i. p. 172.)

The letters to his sister contain, as usual, musings on the past, and dreams over the future. He passes from a travelling hypothesis of giving her the meeting on the Delaware or the Bosphorus, to reflections on what is to become of him once settled down in Glasgow, or on the still more alarming supposition of having fallen in love and married (vol. i. pp. 149, 169, 194.) They are admirable specimens of the best of all letters—those that are made of nothing save playfulness and affection; but the reader must look for them himself.

The love of nature, and of those romantic associations which can soon people a neighbourhood with many an invisible companionship, was a part of his composition, to the full as active as the talent for dealing with and directing his fellow-men. Whilst in garrison at Vellore, he acquired almost as much local attachment to it as to his favourite Northside.

‘On every side you see romantic hills, some near, some distant, continually assuming new forms as you advance or retire. All around you is classic ground in the history of this country, for almost every spot has been the residence of some powerful family, now reduced to misery by frequent revolutions, or the scene of some important action in former wars. Not with more veneration should I visit the field of Marathon, or the capital of the ancient Romans, than I tread on this hallowed ground; for, in sitting under a tree, and while listening to the disastrous tale of some noble Moorman, who relates to you the ruin of his fortune and his family, to contemplate by what strange vicissitudes you and he, who are both originally from the north of Asia, after a separation of so many ages, coming from the most opposite quarters, again meet in Hindostan to contend with each other—this is to me wonderfully solemn and affecting.’ (Vol. i. p. 76.)

In the same way, his station at Ambore seems to have become equally endeared to him.

‘I spend many of my leisure hours on the highest summit of the rock on which the fort stands, under the shady side of a bastion built by Hyder. This spot has for me a certain charm, which I always strongly feel, but cannot easily describe. It is a kind of enjoyment derived from the wide view of the diversified country below me—from the thoughts that its rivers, woods, and villages, give rise to; but above all, from the temporary return that I make to my native country, while memory contrasts the far distant with the surrounding objects. While seated on the rock, I am, or fancy that I am, more thoughtful than when below. The extent and grandeur of the scene raises my mind, and the solitude and silence make me think that “I am conversing with Nature here.”’ (Vol. i. p. 86.)

His seven years’ drudgery in the survey and settlement of the Baramahl, had not prevented a similar tie from twining round him. ‘It is a romantic country, and every tree and mountain ‘has some charm which attaches me to them.’ But the peace of 1799 with Tippoo uprooted him again, notwithstanding all his resistance, and threw him, as the only person competent to the task, into a country where, during fourteen months, incessant labour, from ten to thirteen hours a-day, appears to have been his only comfort.

‘I have now turned my back upon the Baramahl and the Carnatic, and with a deeper sensation of regret than I felt on leaving home; for at that time the vain prospect of imaginary happiness in new and distant regions occupied all my thoughts; but I see nothing where I am now

going to compensate for what I have lost,—a country and friends, that have been endeared to me by a residence of twenty years.' (Vol. i. p. 227.)

Canara, a wild and barren strip on the western coast, was then ceded to the English. Its natural disadvantages were aggravated by its political condition. The face of the country was rude and savage beyond description; too rocky to ride, and almost to walk in. Whatever was soluble in water had long been swept away, leaving little but the skeleton of the earth. What are usually called the pleasures of the country were unknown. The rain of a Scotch October he calls comparatively mist. 'I would rather live upon ensign's pay in a sunny climate, than be sovereign of Canara.' Add to this, 'Tippoo's troops were still in possession of the forts, and Dhondagée's ravaging the centre.'—The Rayahs were driven from one place to another under rebellious Rajahs; and had, besides, entered into combinations among themselves to threaten to leave the whole country uncultivated, and so bring the strangers to their own terms. The fourth chapter describes the method by which, in a few short months, he not only conquered in this struggle, but, by living among the natives, so thoroughly conciliated a turbulent and unruly race, that he could boast of putting down any insurrection 'by the fidelity, or loyalty, or what you please, of our new subjects.'

Within twelve months, he learned the actual state of Canara nearly as well as he knew the Baramahl in seven years; and the collections, except where interrupted by invasion, were as regular as in the Baramahl, or more so.

'The revenue was paid with a readiness of which I had seen no example; not because the inhabitants are more able than formerly to pay their rents, but because they believe that their readiness in discharging them will not, under the Company's government, be regarded as a proof of wealth, or as an argument for laying new impositions upon them.' (Vol. ii. p. 239.)

So far was this facility in the collection from being purchased at a sacrifice of revenue, that Munro's settlement was an increase of ninety-three per cent on the schedules produced by Tippoo in 1792.

'I am anxious to get Canara into such a state that it may be managed by any body; and I am convinced that the people of this country, by my spending all my time among them, under the fly of a marquee, are already better British subjects than they would have been in twenty years, had I lived in a house on the sea-shore.' (Vol. i. p. 290.) 'The most serious obstacles I have met with, and which are to be met with nowhere else, are the shape of the country and the wetness of the climate. I cannot go the rounds of Canara and Soondah, by any road, under six hundred and fifty miles.' (Vol. i. p. 289.)

For the first time in his life he was too busy even to *think*—or to write home.

‘Here all is new. It is like labouring for ever at the rudiments of a new language. I admire your recommending me to change my situation frequently, and take care of my health. I change my situation every week, but the sun follows me, and no constitution can, for a length of years, resist his attacks in a tent; and I find that through the small tents, the only ones that can be carried in this country, his rays are whitening my aged locks very fast.’ (Vol. i. p. 242.)

The extract from his *Journal* to his Sister, (vol. i. p. 273,) will give the reader as perfect an idea of his mode of life in these administrative circuits, as if he had been Munro’s companion.

Among these occupations, nearly all his waking hours were lost in crowds; nevertheless, he found, or rather made, time to draw up the most singular document, on the ancient and present state of Canara, that had ever yet been prepared in regard to any province in the East, probably, any province in the world. The toil which it required to bring about the extraordinary result above mentioned, and to prepare the Report alluded to, was so intense, that in this one year he considered himself as having done more work than in almost all the preceding seven. In the mere collection of materials, he was forced to go through more labour among accounts than he ever underwent before, or thought that he should ever have leisure in revenue matters to undergo again. This Report conveyed, by extracts from ancient documents, a clear idea of the land-rent as far back as 1334, that is, for a period of 400 years.

‘I wished,’ he says, ‘to have traced the nature of landed property in Soondah, if such property actually existed there, by a chain of sunnuds, up to the eighth century; but the sunnuds take too much time; many of them are intricate and obscure; and after translating a dozen sometimes, I meet with nothing to illustrate the object of my search. Time slips away, business accumulates, and I am in danger of neglecting the present generation, while I am attempting to ascertain whether or not their forefathers were permitted to eat a greater proportion of the produce of the land than they do.’ (Vol. i. p. 249.)

His public cares did not lessen the solicitude for his mother’s comfort. We have given already sufficient proof to prepare the reader for his exertions increasing with his means. Hearing that she had left her country-house on account of the expense, he writes immediately. ‘There is no way in which I could employ my money, that would yield me half so much pleasure, as to hear that it had enabled you to enjoy the country air,—to have your own dairy and garden, and to walk in the fields,—a recreation of which you were so fond at Northside.’ (Vol. i. p. 271.)

It appears by a later letter to his father, that, besides large sums for this purpose, and the payment of his father's debts, &c. his annual remittance for their town expenses, was now L.400. The kindness of his nature apparently flowed over to every thing about him. So far was he from old Cato's miserly abandonment of the charger that had carried him in Spain, Munro pensioned off, when he left the district, a favourite white horse, which he had bought in the camp before Cuddalore, and which was now too old to bear the journey. He never let the Peons drive the flock of goats from his verandah in a storm, on the reasonable plea that they had as much right to shelter as any persons about his Cutchery. The Brahmins themselves would scarcely insist that the following story, from Mr Read's Journal, is an exception to his general humanity. 'Having got completely wet on one occasion, during a morning ride, I wrote him a note, requesting that he would wait breakfast. He returned for answer, "I will wait ten minutes, which, in my opinion, is enough for any man to put on his clothes." When I joined him, I perceived a stone in his hand, and enquired what he meant to do with it. "I am just waiting," said he, "till all the Brahmins go away, that I may have one good throw at that dog upon the wall;" and added, "whenever *I wanted to play myself*, in this or any other manner, in the Baramahl, I used to go either into Macleod's or Graham's divisions.'" (Vol. i. p. 298.)

The preservation of these little anecdotes shows how deeply the subject of them had, by his manly simplicity, won the love of those who were serving under him. They kept his common notes as memorials and models. We have heard of Mr Thackeray sending a bundle of them across India to his brother, as specimens, so much needed in Indian correspondence, of the invaluable art of putting your thoughts into small compass.

The Nizam gave up to us in 1800, as a security for the maintenance of an increased subsidiary force, the territory since known by the name of the Ceded Districts. We must now follow Munro thither, to cares which, one should think, his aversion to Canara could alone have made him seek. What becomes of newly-acquired provinces in so disorganized a country, must depend in great degree on the immediate hands into which they fall at first. If the presence of Malcolm at Malwa has settled central India, no limit can be put, in this point of view, to the services of Munro. In England we have carried the cant about 'measures, not men,' to a ridiculous excess. Nine parts in ten must always depend everywhere upon your man. In India, you may say the whole. During the seven years which Munro occupied this arduous post, his services in it may be

appreciated by comparing the state in which he received these districts, with that in which he handed them over to his successor; and by looking afterwards for a moment at the incredible labour which was rewarded with this almost incredible success. The Ceded Districts comprised a territory larger than Scotland, with a population of about two millions. They had sunk under long misgovernment to nearly the lowest point of anarchy that a people, retaining the outward appearances of society, can descend. Besides the Nizam's troops, the feudatories were in rebellion, and 30,000 armed Peons overran the country. It had become the scene of every species of disorder, and the spoil of 'disunited hordes of lawless plunderers.' By his letters, war, it appears, had so stripped the fertile plains of trees, that he never saw any part of Scotland so destitute of them—scarcely one for twenty miles. Famine in another place had laid most of the villages in ruins. Scarce one-fourth of the houses were inhabited. The revenue officers were hardened in peculation by the looseness of the late government. There was a swarm of Poligars almost equally troublesome, whether they remained in the country or deserted it. This was its condition when Munro undertook its charge. When he resigned, confusion had given place to order—a body of inhabitants so little accustomed to regular authority, were reported to be 'as far advanced in 'civilization, submission to the laws, and obedience to the Magistrates, as any of the subjects under the Government.' A third more land was brought under cultivation. The revenues were collected not only with facility, but with unparalleled completeness and punctuality. By reducing them twenty per cent at first, he was enabled gradually to augment them from eleven lacs of pagodas to eighteen; and this, notwithstanding three unfavourable seasons. What must double the value of these pagodas is the further fact, that they came into the treasury without the necessity of calling out a single sepoy. The country was not merely quiet—every one appeared satisfied with his situation. In 1807, the people were as much affected at his quitting them, as when, twenty years afterwards, they mourned over the grave of one whom they had learned not only to love as their *father*, but actually to talk of among themselves by that endearing name. A single example of this kind ought to shame to silence our incompetent and selfish countrymen, who, returning home with the consciousness of leaving no sympathy behind them, may be thus always understood, as often as they are found maligning the character of a population whose affection they have never won, to be only bearing an irresistible testimony against themselves. A letter in 1801, from Cuddapah, depicts the state in which ten years of Mogul government had left it.

A letter to Lady Munro in 1829, from the same place, makes no doubt of the enduring fidelity of their attachments. 'I was often at this place twenty years ago, but the heat made me always glad to get away. I still like this country notwithstanding. It is full of industrious cultivators; and I like to recognise among them a great number of my old acquaintances, who, I hope, are as glad to see me as I to see them.' (Vol. ii. p. 86.) Whilst we are looking at this most affecting relationship between the governor and the governed, and praying that its moral may sink deep into the hearts of our Indian rulers, of whatever order, let the reader just remember what was the office in which Munro had earned all this reverence and love. In the mode of individual settlement adopted by him, he was brought in personal contact, and, upon so odious a subject, often necessarily into personal collision, with every single cultivator. This is true almost to the letter. We doubt whether any tax-gatherer before was ever greeted with tears of this description. The testimony of affection presented to him at this period by his assistant officers, (a cup, with the bas-reliefs from Ellora,) is equally honourable to all parties. 'We know that the Ceded Districts hold your name in veneration, and feel the keenest regret at your departure. As for ourselves, we attribute our success in life in a great measure to you; and think, if we are good public servants, we have chiefly learned to be so from your instruction and example.' (Vol. ii. p. 247.)

Objects of this importance, and a confidence so full of honour, are not to be attained without the payment of a price that bears some proportion to their value. What this price amounted to in the present instance may be, in part, imagined from the fact, that the principal general objection against this system of ascertaining the land revenue by direct survey and bargain with every several cultivator, consists in the declaration, that it requires, even in our long-settled possessions, a combination of zeal, knowledge, and moderation, which it is impossible in ordinary cases to procure. During the first four years, Munro never lived under a roof, but was constantly moving in his tent from one corner of his government to another, and, notwithstanding the state of the country, without any escort. In answer to an enquiry, why he allowed his assistant, Mr Thackeray, in whose district a murder had been committed, 'to be without a guard,' he replies, (1801,) 'Because I think he is much safer without one. I traversed Canara in every direction, unaccompanied by a single sepoy or military peon, at a time when it was in a much more distracted state than the Ceded Districts have ever been, without meeting, or even apprehending, any

‘insult. I do the same here; there is not a single man along with me, nor had I one last year, when I met all the Gurrum-condah poligars in congress, attended by their followers. I had deprived them of all their cowls, and they knew that I meant to reduce them to the level of potails; yet they never showed me the smallest disrespect. The natives of India, not excepting poligars, have in general a good deal of reverence for public authority. They suppose that collectors act only by orders from a superior power; and that, as they are not actuated by private motive, they ought not to become the objects of resentment.’ (Vol. i. p. 327.)

By a letter in 1824, (vol. ii. p. 148,) it will be seen that such continued to be his opinion. Wasting away under the fatigues of incessant labour, and perceiving that he could not go on at the same rate much longer, he was obliged at this period to put in a gentle protest against an application which seems to have amused him.

—‘The Board too, as well as Government, thinking that my time could not be occupied by such an employment, have desired me to give them a particular account in a diary of the manner in which I spend it. The day is scarcely long enough to get through what comes before me. My time has been spent so much in the same way during the last three years, that it is very easy to give them an abstract of it. I have had no holidays since I left Seringapatam in 1799. I have had but two idle days; one that I rode over to see Sidont, and another that I went forty miles to see Cuppage at Mundidroog. I feel the effect that a long perseverance in such a course must always produce. I have no bad health, but am perpetually jaded, and get through business much slower than I should do with more relaxation.’ (Vol. i. p. 333.)

Three years later, symptoms of over-work began to warn him home.

‘My resolution of going home has been strengthened by having this year discovered that my sight is not so good as it was. I find that, when writing, I must go to the door of my tent for the benefit of light when I wish to mend my pen. I endeavour to believe that this is entirely owing to my having lived so many years in tents under a burning sun. The sun has probably not shone in vain; but I suspect that time has also had a share in whitening my hair and dimming my sight. This hand appears now before my eyes only thin and shadowy, like that of one of Ossian’s ghosts; but it will grow thick and dark in a few years, and I must therefore return to my native land, and see my friends before it is too late.’ (Vol. i. p. 357.)

Two years afterwards, in 1807, he was enabled to execute this intention, which he announces in a very amusing manner.

‘The climate of Scotland has, by your account, improved very much in its effects on the growth of trees. I find some difficulty in believing

this, because it is contrary to the course of nature ; for men and women have always observed, that as they grow older, every thing else degenerates. But it is vain to talk of trees and goats to a politician ; and I wish, therefore, that I could tell you who this Mr Paul is, about whom you ask. Some say that he is a tailor, who brought out a long bill against some of Lord Wellesley's Staff, and was in consequence provided for ; others say that he was an adventurer, who sold nick-nacks to the Nabobs of Oude. All that I know for certain is, that he is a great patriot ; and that, if you are obliged to get patriots from India, it is high time that I were home. What I am chiefly anxious about is, what I am to do when I go home. I have no rank in the army there, and could not be employed upon an expedition to the Continent, or any other quarter ; and as I am a stranger to the generous natives of your isle, I should be excluded from every other line, as well as military, and should have nothing to do but to lie down in a field like the farmer's boy, and look up at the lark sailing through the clouds. I wish to see our father and mother, and shall therefore make the voyage.' (Vol. i. p. 370.)

Munro had been absent nearly thirty years. During seventeen of these he had never been even at Madras. For ten or twelve months together, he had not seen the face of a European. A letter to his sister on his return to Glasgow, gives an affecting representation of his altered position, and his altered feelings. The abstraction and silence into which his deafness plunged him among so many old acquaintances, made him feel still more a stranger. 'Some of them stare at me, and think, no doubt, that 'I am come home because I am deranged. A solitary walk is 'almost the only thing in which I have any enjoyment.' His first visit to Northside, the home of his boyhood, and of so many brooding thoughts and long-treasured recollections, is a perfect picture.

'I stood above an hour at Jackson's dam, looking at the water rushing over, while the rain and withered leaves were descending thick about me, and while I recalled the days that are past. The wind whistling through the trees, and the water tumbling over the dam, had still the same sound as before ; but the darkness of the day, and the little smart box perched upon the opposite bank, destroyed much of the illusion, and made me feel that former times were gone. I don't know how it is, but when I look back to early years, I always associate sunshine with them. When I think of Northwood-side, I always think of a fine day, with the sunbeams streaming down upon Kelvin and its woody banks.' (Vol. i. p. 378.)

During the six years that Munro remained in this country, the most important event which took place in his private life was his marriage. The possibility of his ever making what, in collectors' language, one of his letters drolly calls a 'permanent 'settlement,' had been the frequent subject of a very playful correspondence between himself and his sister. On his return

afterwards to Madras, he cannot help contrasting the ceremonies that awaited a married couple with the undisturbed simplicity in which a bachelor is allowed to land and live. These annoyances partly repay themselves by the pleasure of laughing at them. In the present instance, however, it is very evident, that whatever consolation nature has provided in the deep and sacred feelings of a husband and father, for the more serious anxieties, which are of necessity intertwined in such relations as are most anxious where most happy, Munro, whose feelings were no less fine than strong, received it all.

During this period his only appearance before the English public was on the occasion of his being called as a witness in Parliament on the renewal of the charter of the East India Company. The matter of his evidence, ranging 'from the coarse blanket of the Hindoo to the feudal system,' was not more striking than the manner in which it was delivered. His knowledge of every subject, his self-possession in the presence of a new and intractable audience, his readiness under the screw of so movable and indiscriminate an examination, bespoke a man, who, thrown on a sudden into a popular assembly, could have guided its deliberations as ably as he presided in a Cutchery, or headed an Indian army. He has been reproached with having given his evidence * more as an advocate than as a witness. So

* Nobody can have looked at the Correspondence and the Evidence with sufficient attention to have observed these proclaimed discrepancies, and not at the same time have seen, that any solution of them must be the truth, rather than the imputation so triumphantly preferred. Such a calumny is an ungrateful and cruel use of this delightful admission to his most private thoughts. A complete moral impossibility of such deceit beams out in every page of the work before us. In the same manner, the Evidence contains abundant proof that Munro's answers were independent of all calculation how far they might serve, more or less, any case the Company might be wishing to establish. Again and again, where leading questions are put to him, he refuses to answer to the whip, and gives an opinion entirely opposite to what the examiner evidently expected and desired. To look at the facts: Munro in 1795 writing to his father said, that they were fond of our goods, particularly scarlet, and were only prevented by poverty. It would be enough to answer with Warren Hastings, when thus taunted, that the more extensive experience of the next eighteen years, had not been lost upon him: and that, desirable as it might be to introduce our manufactures into India, he now doubted whether they would give the preference to broadcloth over their own camly, as readily as he once imagined, and whether something more was not wanted than increased wealth, to effectuate that object. In this same letter he speaks of the barbarous

little was the pre-arrangement, (and therefore so little possible ground can have really existed for the imputation,) that we have heard the gentleman, who was Counsel for the Company on that occasion, regret that he had made so much less out of

system of annual settlements, and yet within two years he does not approve of the attempt to establish a general lease over the whole country. Hypercriticism, using its special pleader's microscope to look for contradictions, might find an apparent variation between the statements in his evidence and his letters at different periods, respecting the condition of our police in India, or respecting the necessity of more European soldiers. The effect of his whole Evidence is, as we read it, strongly in favour of free trade; principally of a free import trade from India to England; but, also, with proper limitations, in favour of a free export trade from England to India. The limitations in his answers bear on the indispensableness of guards and conditions respecting the ports at which private traders should touch, and the residence of Europeans in the interior. Some precautions he considers indispensable; or, whatever commercial advantages might be obtained, would be obtained at the risk of the safety of the state. He at once disclaims any idea that the suppression of the commercial department would disable the remaining departments from maintaining the authority of the British government. He says, expressly, 'An open trade under the present restrictions, and supported likewise by an act of the Legislature from this country, and such a trade confined to the principal establishments, could not, I apprehend, be productive of any consequences detrimental to the peace of the country: it might occasionally produce disputes at those principal settlements, but the European authorities, already established there, would be quite sufficient to control them.' (*Minutes of Evidence*, p. 214.) Afterwards (p. 251), he extends his meaning of principal settlements to 'those ports where there were European garrisons and magistrates to preserve the peace.' A free trade, he observes, would tend, so far as it encourages the manufactures and raw produce of the country, to increase the prosperity of the inhabitants. The possession of the means of purchase would tend greatly to facilitate the consumption of European articles in India. But the first use Hindoos would make of improved circumstances would be to purchase a larger quantity of their own. The utmost point to which his evidence can be raised as an argument against free trade from England to India, amounts only to a warning against unreasonable expectations. There had never hitherto been, he said, any deficiency of supply—the supply was even greater than the demand; the demand was equally small at the Presidencies as in the interior; almost among the rich as among the poor. This arose from its being limited by climate, by the religious and civil habits of the natives, and principally by the excellence of their own manufactures. It would be long, he thought, before commerce effected any change in their customs. Articles of dress were almost the only things they were likely to take from us; and as a manufacturing

the testimony of such a man than he ought, from the fact of his having received no notice of the sort of man who was thus put into his hands.

Up to this period the internal administration of British India

nation we were still far behind them. He added, however, explicitly, that provided our manufactures suited their taste, and were cheaper than their own, there was no prejudice that would prevent them from purchasing. (p. 235.) 'Whenever we can furnish from this country a similar manufacture (sc. shawls) as good as their own, and a little cheaper, they will prefer it to their own; and all the custom-houses in India will not prevent their using it.' (228.)—'I have very little hope of any material increase being produced, except at some very distant period, upon the export of our own manufactures, even if the price is reduced; because I do not apprehend that there is likely to be such a reduction as can bring our manufactures into competition with those that the natives require, and can produce in their own country: it has been sometimes said, that the natives have a prejudice against the manufactures of Europe; the Hindoos have no prejudices against the use of any thing that they can convert to an useful purpose. Whether European or native manufacture, it is pure as it comes from the hand of the workman to all Hindoos; but they have one prejudice, which I believe also is a very common one in this country, against the paying a higher price for a worse commodity, and until we can undersell them in such articles as they now require for their own use, we have no hope of extending the use of our own manufactures in India; it is entirely a question of price: whenever we can undersell the Hindoos in any article which they require, it will find its way into the interior of the country without much help from the British merchants; it will find its way to the interior in spite of all regulations to prevent it.' (p. 216.) This reduction of price, to a certain extent, he expected from the shorter voyages to be made by private traders, and from the increased capital in their establishments. A Memorandum, apparently private, dated 1813, takes precisely the same general view of the probabilities of the experiment: whether the increased export is to come from their being furnished cheaper, or of a fashion more suited to the Indian market, he looks more to private traders than to the Company's servants for this result, from their deeper interest in disposing of their goods. Any great amount of colonization he did not think desirable, nor, if desirable, practicable. Europeans would be beaten down and driven to the coast by the superior industry and economy of the native population. 'What the European trader eats and drinks in one month, could make a very decent mercantile profit for the Hindoo for twelve; they do not therefore meet upon equal terms. It is like two persons purchasing in the same market, the one paying a high duty, the other paying none.'—(p. 246.) In 1823 Munro tells Mr Canning that though no longer Indian Minister, he can still be of great service to India, by giving it the same freedom of trade as England. The comparison would of itself show

had remained a mystery. This was not for want of materials, but for want of some one—so formidable was their accumulation in the archives of the India House,—who had at the same time the perseverance to read them, and the understanding to compare and to apply them. In the year 1812, two labourers were turned into this jungle, just such as the task required. One was Mr Davis, a Director, but not himself a member of the Committee. The other was the late Mr Cumming, a man of infinite industry and merit, and who for many years provided the India Board in zeal and knowledge, under superiors splendidly paid for the discharge of duties which they could not or would not learn. On this occasion, our English system,—that one man should do the work, of which others are to have the reputation—was not departed from. The labours of Mr Davis and Mr Cumming appeared under the name of a Report from the Select Committee on the Affairs of India; in other words, the celebrated *Fifth Report* is from their pen. The exposure of our Indian system of Revenue, Jurisprudence, and Police, was a startling event. Persons, so honestly disposed to introduce into their administration every reform consistent with their patronage, as the East India Directors have always shown themselves, began immediately faithfully to act on the voluminous documents, which their servants in India had faithfully transmitted for their information. In 1814 they appointed Commissioners to enquire into the Judicial system, and gave conclusive proof of their sincerity, when they selected Colonel Munro as chief commissioner. The principal object of this Commission was to give the natives a greater share in the internal administration of the country. The object had been long too near his heart to allow of Munro's hesitating to accept so favourable an opportunity of embodying

what was the nature of the measures from which he anticipated such advantages. It is further explained among his memoranda. 'What India most wants is *free export of her produce to England, as is permitted from England to India.* Admission to all our silks, coloured goods, &c. on moderate duties.' The sceptics and deriders of superior virtue, are ill employed in caballing to persuade our Indian servants, every one of whom should sleep with this Memoir under his pillow, that 'Cato is as great a rogue as they.' A man is no sooner dead than things that durst not have ventured into his presence, settle on and defile his corpse. It is even so with his character and fame. We have felt, though strangers, that we should ill deserve to leave behind us a friend to protect our memory from wrong, had we declined the gauntlet in behalf of one, whose generous defence of others was the least and lowest among his many virtues.

in general and permanent principles, the practical observations which his extraordinary opportunities had enabled him to make. For, in the actual experience which he possessed, he was as unrivalled, as in his capacity for rightly reasoning on it when it was once acquired. During two continuous years Munro was occupied, not so much in preparing the regulations best adapted to promote the purpose intrusted to him, as in labouring to reason down the local opposition most strenuously maintained against the principles of his measures, and against every modification of them which he could propose.

'You are aware,' says he, in one of his letters, 'that most of the men in office about the Presidency are Regulation-men, stickling for every part of the present system, and opposers of every reform of it from home.'—'I feel,' (speaking of the President of their Police Committee, with whom Mr Elliott wished him to consult,) 'as if I were conversing with a well-informed captain of an Indiaman, who has all that general knowledge of India which can be derived from books, or a short residence on the sea-coast.'—(Vol. i. p. 425.) 'There is not a man about government, and scarcely ten men in the provinces, who know the difference between a potail and a weaver.' (p. 433.) Again, 'Of what use can it be, to import sentiments from Bengal, on punchayets and potails, which most of the public servants under that Presidency profess never to have heard of?' (p. 438.)

Mr Elliott had a notion that things were in the best possible state, and Munro was called on to abandon his former opinions. Unfortunately, by wading through all the police reports, &c. he found ample proof that things remained just as they were seven years before. The regulations were supposed infallible; the Zillah judges competent to their duty; abuse in the revenue line impossible. It was a more painful than difficult part of his employment to disprove such assumptions. He had at last the pleasure of seeing a part of the new arrangements passed; that is, 'the regulations defining the powers of the collector as magistrate, and of the Zillah judge as criminal judge, together with 'the general police regulation.' (Vol. i. p. 449.)

'They will find their way,' says he, 'through all opposition, and, I trust, make us ashamed, in all parts of India, of having attempted to exclude the natives from all share in the administration of justice.' (p. 451.) 'Three or four years more will work a great change in the public here. It cannot be expected that men who have been accustomed to regard the system of 1793 as perfect, will easily give it up as altogether inadequate; or that even those who have lost their reverence for that system, will favour a new one which must, in its course, do away a great proportion of the courts and appointments connected with them. We might as well expect to find military men applauding a system for reducing the army. I am not, therefore, at all discouraged by the number of opinions against the system, because every person in the judicial line must

be against it, either from interest or prejudice. I am still less discouraged, from observing on the spot how little those opinions are worth, even if there was nothing to bias them: nine-tenths of them are those of men who know as little of India as if they had never left England.' (p. 453.)

Whilst sedulously pursuing these judicial investigations, he was roused by the sound of military preparations—a sound which seems to have always acted on his spirits like a trumpet heard at a distance by a charger. The Pindarrie war broke out. He instantly begged for a command, and, to his deep mortification, at first in vain. Nevertheless, with his characteristic preference of the public service over his private feelings, he submitted to the pacific post assigned him; and departed to superintend the transfer of the southern Mahratta provinces just ceded by the Peishwah. There are some admirable letters written during this interval to Lord Hastings. They are so full of local knowledge, wise suggestions, and unbounded zeal, that it would have been impossible for that excellent nobleman not to acknowledge the necessity of waving all minor considerations, and at once place such a man in the front of that stirring scene. Nobly did Munro repay this confidence. The troops he had about him were originally scarce a regiment. The Madras government sent him not a soldier. He was not even put in possession by it of the cipher of the officers with whom he had to correspond. On the other hand, in Mr Elphinstone, with whom, as Governor of Bombay, his communications were of the most instant and immediate importance, he found a mind worthy of his own. An exaggerated apprehension of the power of our adversaries, by which he had seen so many opportunities thrown away, was not likely to be his error. Knowing the different points where their system was the weakest, and the different methods by which those points could be most successfully assailed, he crossed at once into their country with five companies of Sepoys, and fairly beat the enemy by means of his own subjects. Such was the rapidity of his plans and movements, that he anticipated the Peishwah's officers who were collecting the revenue at the same time, and in the same districts, and made his portion of the war pay its own expenses. As fast as he won the country by his sword, he passed on to the duties of a statesman, presiding over the principles and details, on which its general government required immediately to be fixed. His tent is truly said to have been not more the head-quarters of an army than the chief civil court. In his private letters he describes himself as half blind, and almost finished under the excessive heat and labour: 'I am constantly occupied all day, and sometimes

‘till very late at night, in a new line of business, in encouraging plots against all the constituted authorities of the ancient government, and hearing the accounts of the success or discomfiture of my friends, the conspirators. I see new groups and new faces every day, and many of them not very well-favoured; but well enough for the work in which they are engaged. It is a most fatiguing task to keep them all going, and to be called up at night, and to have my sleep murdered by dirt recitals of counterplots. I hope it will be all over by Candlemas, or, at least, by Whitsuntide; and then I shall go to bed and sleep for a week; and should not care if it were at sea, for I should like to be rocked by the waves after all this hurly-burly on shore.’—(Vol. i. p. 512.) ‘I have not a moment to myself; I am doing subaltern’s duty as a general officer, and am obliged to endure more fatigue than ever I did in any camp in my life. When I was at the head of the reserve, the business was easy. I had staff to look after all the details; but now I am again in a civil as well as a military capacity.’—(Vol. i. p. 514.) ‘I shall not quit my command till I have done all the rough work which I think necessary for ensuring the quiet conduct of these men hereafter. The fellows have no idea of recognisances.’—(Vol. i. p. 515.) ‘Fortune, during the greatest part of my Indian life, has made a drudge of me; every labour which demands patience and temper, and to which no fame is attached, seems to have fallen to my share, both in civil and military affairs. I have plodded for years among details of which I am sick, merely because I knew that it was necessary, and I now feel the effects of it in an impaired sight; and a kind of lassitude at times, as if I had been long without sleep.’—(Vol. i. p. 516.)

A hundredth part of the politics and public business, of which we have here a glimpse, would have spoiled most men for any interest in quiet pleasures for the remainder of their days. A few passages from a letter to Lady Munro, present us with a sudden and delightful contrast. It is a beautiful instance of the readiness with which his mind could turn aside amidst the crowd of such overwhelming and almost contradictory avocations, to the enjoyment of natural scenery, and the amusement of literary taste. By the by, we quite agree with the Colonel, that young ladies have no business to imitate our style.

‘I left camp yesterday morning, and the sudden transition, from constant noise and bustle to silence and solitude, appears almost like a dream. I wished much to have had you with me this morning in my walk. The weather is so cool, that I went out after breakfast, between ten and eleven, and strolled along the bank of a rocky nullah for an hour;

often standing still for some minutes, looking at the water tumbling over the stones, and the green sod and bushes looking greener from a bright sun. There is nothing I enjoy so much as the sight and the sound of water gushing and murmuring among rocks and stones. I fancy I could look on the stream for ever—it never tires me. I never see a brawling rivulet in any part of the world, without thinking of the one I first saw in my earliest years, and wishing myself beside it again. There seems to be a kind of sympathy among them all. They have all the same sound, and in India and Scotland, they resemble each other more than any other part of the landscape. I have contrived to read the whole four volumes you sent me of the *Tales of my Landlord*. The *Black Dwarf* is an absurd thing, with little interest, and some very disgusting characters. I like *Old Mortality* much; but certainly not so well as *Guy Mannering*. Cuddy has got a little of Sambo about him. His testifying mother is just such an auld wife as I have often seen in the West. Colonel Graham is drawn with great spirit; and I feel the more interested in him from knowing that he is the celebrated Lord Dundee. I admire Edith, but I should like her better if she were not so wonderfully wise—she talks too much like an *Edinburgh Reviewer*.—(Vol. i. pp. 510, 511.)

Munro returned home, as soon as things were tolerably quiet, principally on account of his sight; resolved, as he told his sister, when he was once again fairly upon her favourite bridge, that nothing should tempt him to go back to India. He had been only landed a few weeks when this resolution was overcome. To the great honour of Mr Canning, and to the gladdening of the hearts of all who took an interest in the people, as well as in their rupees, he was appointed Governor of Madras. He liked the Indian climate so much better than our own, and his attachment to both countries was so nearly equal, that, as he admits, a very little was sufficient to turn the scale. Besides, he felt the full compliment of that just distinction to which, in the words of Lord William Bentinck, his ‘great and noble services’ had toiled at last. But, most of all, he felt that the means would be thus secured of ascertaining that fair play was given to that portion of the experiment, which three years before he had brought forward, for introducing natives into some share of the public employment.

Munro arrived at Madras as its governor in 1820. A reign of three or four years was all that he calculated on from the first. Office was only valuable to him as long as he could adequately discharge its duties. Accordingly, an earnest longing after home grew stronger daily, as he found himself in the condition of an overworked horse, wanting rest. Having satisfied himself that the machine of government might be henceforth trusted to less practised hands, and India being in profound peace, he despatched, in 1823, four copies of a Memorial to the

Directors, requesting that he might be relieved. Instead of an answer, there came in 1824 a scarcity approaching to a famine, and a Burmese War. Munro of course remained. In 1826 the health of his child made it necessary that Lady Munro should accompany it to England. The breaking up of his family happiness, and the additional wear and tear he had undergone, increased his anxiety to retire from duties which, discharged as he discharged them, were heavier than he now could bear. Almost every paper of importance since he came to the government had been written by himself. 'Were I to go to Bengal, I could hardly hold out two years; certainly not more—and that period is too short to do any good.' The very day that news of peace with the Burmans reached him, he sent off six copies of a Letter entreating that his resignation might be accepted, and his successor come out immediately. Under his impatience at a delay in which he had no concern, but which the Directors could have well justified to him, he unfortunately yielded to a desire to see once more his native friends in the Ceded Districts. The cholera had appeared there. He was no sooner arrived within its influence, than in a few hours he fell a victim to it; and his bones are now resting among those to whom his life had been so enthusiastically devoted. A statue has been raised to his memory at Madras. Government took on itself a subscription, which the natives had commenced for their humble but affectionate monument, in the shape of a choultry and tank at Gooty, where he is buried, and a tope of Mango-trees with a well, at Putteecondah, where he breathed his last.

It will be readily conceived, that in his new situation, he had considered himself, in almost every thought, and his time, in almost every minute, the property of the public. During his government he continued a characteristic practice which he had begun in his tour of investigation, under the Judicial Commission. He walked out in a particular spot, two hours before breakfast, all alone, in order that the natives who had petitions to present, might approach him without fear. Besides the seven years' war he carried on against all abuses, his main labour consisted in an assiduous superintendence of every department, and in a most vigorous co-operation for carrying on our unlucky campaign in Ava. With a timid or incompetent governor at Madras, there is no knowing to what date or to what conclusion it might have lingered on.

The documentary nature of our Indian governments is a mixed case of good and evil, which it is undoubtedly difficult to reform. But unless some remedy is applied, the documents will soon become so overwhelming (they almost already are so) that there

might as well be none at all. Ignorance and impunity may be eventually produced by the excess of the provision that has been made to secure information and responsibility. The state which our Oriental correspondence has arrived at, is evidently quite enough to be the death of the very few who are so conscientious as to read it. 'Unless we contrive some means of reducing the quantity of reading, the members of government will have no time for giving due consideration to matters of general importance.'—(Vol. ii. p. 54.) 'We have such a mass of reading from all quarters, that we have no time to think, and far less to write. The judicial system has converted one-half of the service into village lawyers, who write without mercy, like so many law stationers, sheet after sheet, without end.'—(Vol. ii. p. 69.)

In a letter to Canning, one of the chief matters of congratulation on his not coming to India, seems to have been derived from the consideration of this nuisance.

'Your not coming to India has been a great disappointment to me; but I do not regret it. I rather, for the sake of the country, rejoice that you have remained at home. Every man who feels for its honour, must be proud to see that there are public men who prefer fame, founded on the exertion of great and useful talents, to wealth and splendour.'—'By not coming to India, you have escaped the irksome task of toiling daily through heaps of heavy long drawn papers. I never had a very high opinion of our records; but it was not until my last return that I knew that they contained such a mass of useless trash. Every man writes as much as he can, and quotes Montesquieu, and Hume, and Adam Smith, and speaks as if we were living in a country where people were free and governed themselves. Most of their papers might have been written by men who were never out of England, and their projects are nearly as applicable to that country as to India.'—(Vol. ii. p. 66.)

One of the most useful works which the Company could publish, would be a volume of *Revenue and Judicial Selections*, compiled entirely from the writings of Munro. Independent of the merit of the direct subject matter, it would be an invaluable volume as a model of official composition. In simplicity of statement and expression, he is not to be surpassed. The thoughts come out in such appropriate language, and follow each other in such lucid order, that we have looked again and again at the history of his life, for traces how he learned a secret which so few authors by profession ever find. The difference between his case, where the words fit the idea as closely as if they were born and grew up together, and the case of ordinary writings, is the difference between nature's work and a tailor's—between one's skin and clothes. He owed little to art for its perfection: his earliest writings are cast in the same mould.

Years of non-reading, often without even a Shakspeare, would save his taste from being spoiled by keeping the company of mixed authors. The solitude, also, by which his rambles over India separated him for months from the talk of a European, and in which his deafness to a certain degree must have always shrouded him, would leave his mind leisure to work down its thoughts into the most precise and tangible form.

The elevation and comprehension of Munro's understanding were of the first order. He was in possession of a more thorough knowledge of the population of India, than pretty nearly all the rest of the service put together. Under these circumstances, and in the necessity of balancing contradictory authorities, there cannot be a suggestion made by him on a single point, civil or military, which does not deserve a distinct and respectful consideration. Sufficient evidence exists of his opinions on the most debateable topics of what may be called our foreign policy in India, during the last fifty years. His earliest speculations on our war politics—his prophecy that the force of circumstances must drive us onward, though interest as well as justice alike required us, if possible, to remain at peace—his ridicule of the notion that a balance of power (the Mahratta *versus* Tippoo, &c.) was practicable among bodies so false and fluctuating as the native states, were all verified by the event.*

Every thing connected with the internal administration of our own provinces had long been the subject of his most patient investigation. Whenever this most important subject shall come to be discussed with the attention it imperatively demands, (and come it must,) it will be impossible that his views should be overruled without counter-evidence of a very different nature from any that has been yet produced. Of course, these views must have been daily present to his mind during the period of his government. But as a fact, we have his own positive assertion, that he did not undertake the critical task of further innovation. This probably might arise from his own maxims. 'Many measures of government ought only to be adopted as you have servants properly qualified to carry them into effect; to attempt them without, is only to create confusion and

* Munro, we suspect, had more popular notions than his correspondent. The Duke of Wellington finishes a letter to him in 1800 with rather a sweeping declaration. We hope that he has modified it a little by 1830; and that, at all events, it is with him not an English as well as a French maxim. 'As for the wishes of the people, particularly in India, I put them out of the question. They are the business of the governors that ever I met with, if indifference be their character.' (Vol. i. p. 266.)

‘useless expense. A governor should always be a man who will maintain the system prescribed by the Court of Directors.’—(Vol. ii. p. 307.) Whatever was the cause, he acquiesced in the propriety of watching the effect of the partial modification which had been attempted in 1817.

‘I have introduced (1824) no new system either in the revenue or judicial department. I have reduced some judicial appointments, and created some revenue ones, in order to keep up emulation, to keep both more efficient, and to prevent the whole body of revenue servants from being degraded to a second chop-caste. I have never wished to introduce any new system of revenue, but I wish in all cases to have no renters, but to collect directly from the occupants or owners, whether they are small or great. Renters are no necessary part of any revenue system: they are a mere temporary machinery, employed or set aside as suits the convenience or caprice of government. I wish to see the usages of each country, or province, adopted as the basis of our revenue system; to protect landed property as we find it, whether in small portions or large masses; not to vex the people by regulations; neither to subdivide what is great, nor consolidate what is small; and to lower the assessment generally wherever it is too high;—to leave the rest to Providence and their industry. I shall never review my own proceedings, because they can have no sensible effect in my time, or for many years after; for it is the nature of measures calculated for improvement, to be slow in their operation. When I read, as I sometimes do, of a measure by which a large province has been suddenly improved, or a race of semi-barbarians civilized almost to quakerism, I throw away the book.’—(Vol. ii. p. 68.)

Of the merits of the Ryotwar system, we shall have occasion soon to treat. The theory has been misrepresented. How far he was from being the fanatical partisan even of that theory, as some people seem to imagine, may be judged by the preceding declaration. His own recorded evidence is preserved to us in a Minute, dated as low down as 30th January 1827, that the effect of his judicial alteration, in its most important branch, (the moonsiff system, or the employment of native judges in cases below a certain sum,) ‘was both popular and efficient far beyond every expectation that was formed of it.’

The Burmese war was the great political event of Lord Amherst’s administration. We fear that the following general principle, inserted among his maxims, contains Munro’s opinion on the war itself. It certainly describes his own conduct during its continuance. ‘When we are actually at war, it is not the business of a subordinate government to ask questions about the origin or justice of it; but to use every exertion to enable the superior government to get out of the war as well as possible.’—(Vol. ii. p. 308.) The energy of his co-operation was derived solely from his public spirit. For he tells the Duke of Wellington, ‘I was probably more surprised at hearing of the intend-

‘ed war than people at home will be ; for I never had the least
‘suspicion that we were to go to war with the King of Ava, till
‘a letter reached this presidency, in February last, asking us
‘what number of troops we could furnish for foreign service. I
‘thought that the local officers of Chittagong and Arracan might
‘have carried on their petty aggressions on both frontiers for
‘another year, and that they would probably have got tired, and
‘settled matters among themselves. Such fellows do not read Gro-
‘tius or Vattel ; and we must not expect them to be guided en-
‘tirely by their piety. Now that we are actually at war, it is some
‘satisfaction to have those great names on our side.’—(Vol. ii. p. 91.) As governor of Madras, he was not the less incessantly en-
‘gaged in discussions, and enquiries, and correspondence, connected
‘with the war, than if it had been of his own seeking. Nor
‘could he, in case his own reputation had been at stake in its
‘success, have stripped his presidency barer, to the last sepoy that
‘could be spared for foreign service. His sepoys embarked with-
‘out one missing, and those remaining had severe service ; but
‘his confidence in the loyalty of his people does not seem to have
‘been ruffled beyond the occasional disturbance of poligars, which
‘we are seldom,’ he says, ‘for any long time entirely free from
‘in this country.’ Notwithstanding his zeal and knowledge, it
‘is evident, that the advice he freely gave was not followed to a
‘degree to make him at all responsible for the course pursued.
‘As we had not the direction of the war, we had no right to give
‘opinions regarding it ; and it was only by laying hold of the
‘opportunities furnished for remark, by sending away so great
‘a part of our army, that I was enabled now and then to say
‘something about the war.’—(Vol. ii. p. 17.) The principal
‘errors that he notices in the Bengal plans, resulted from ‘a
‘most exaggerated estimate both of the numbers and the prow-
‘ess of the Burmans, and indeed of all other enemies. This has
‘led to the discouragement of enterprise, to slow and cumber-
‘some operations, to much expense and loss of time, by em-
‘ploying several corps where one would have been enough ;
‘and lastly, to what appears to me a great and useless increase
‘of the Bengal army.’—(Vol. ii. p. 175.)—‘There was also a
‘great want of many of the arrangements and combinations by
‘which the movements of an army are facilitated, and its suc-
‘cess rendered more certain. There were, no doubt, great dif-
‘ficulties ; every thing was new ; the country was difficult, and
‘the climate was destructive ; but still, more enterprise in ex-
‘ploring the routes and passes on some occasions, and more fore-
‘sight in others in ascertaining in time the means of convey-
‘ance and subsistence, and what was practicable, and what was
‘not, would have saved much time.’—(Vol. ii. p. 160.)

The original plan of the invasion of Ava was romantic and visionary; and there were so many projects after it commenced, that he scarcely ever expected to see any one plan pursued consistently. His experience in managing conspiracies in the Pindarrie war would have led him to raise a rebellion in Pegu, to have set up a false king if a real one was not to be had, and at the peace, to have declared Pegu an independent state; which, from its natural advantages, must have soon become more powerful than Ava. Notwithstanding these criticisms, it is an instance of his love of truth, that he vindicates Lord Amherst from the great injustice of 'the idle clamour' raised against him. 'The Court are too unreasonable when they expect to find every day for the supreme government such men as appear only once or twice in an age. You cannot have a Lord Cornwallis, or Wellesley, or Hastings every day, and must take such men as are to be found.'—(Vol. ii. p. 176.)

The burden of so much public business would have crushed most men's spirits, but the moment he breaks away from the council room, the elasticity of his mind restores him, as in former years, to the appropriate enjoyments of every scene. Pousin could not have wished a sweeter subject, or the inspiration of more painter-like feelings, than are described in the following scene, part of a letter to Lady Munro, written the day before he descended into the burning plains of the Carnatic.

'We are now encamped about two hundred yards above the spot where our tents were when we last passed this way, and very near the large banian tree to which we first walked. It is a beautiful wild scene of mingled rocks and jungle, and aged trees and water. I wish we had something like it at home. It is pleasant to see the different groups of travellers with their cattle coming in one after another; some sitting and some sleeping under the shady trees and bushes so thickly scattered around. There is something delightful in viewing the repose and stillness which every one seems to enjoy.'—(Vol. ii. p. 77.)—'Nothing soothes me,' he says in another place, 'so much as being alone among mountain scenery—it is like resting in another world.'

His reflections are equally true and touching on looking upon a very different scene,—the waving grain surrounding the dilapidated station where he had been quartered when a subaltern thirty-five years ago. 'Most of my companions there are now dead; and how changed I am myself! I then thought that I was labouring to rise in my profession, and to retire to enjoy myself in my native land; but the older I grow, I get the more involved in business, and oppressed with labour.'—(Vol. ii. p. 81.) His description of another, and still more different picture—the *Enterprise*, a steam vessel, manœuvring for

the gratification of the public, is as lively a sketch as Wilkie need desire to work on.

'The evening was as favourable as it could possibly be; a close sky, a smooth sea, and a light breeze directly from the sea. The immense crowd of people reminded me of what you see at a race in England, but only that there was no drinking or quarrelling. I never saw half so great a number on any occasion. The beach was crowded from the saluting battery to the Custom-House, with thousands of natives, in all their various fanciful costumes. The multitude of carriages was far beyond what I thought the whole Carnatic could have furnished. Every thing that could be mounted on wheels, from a hencoop or a dog-house to a barouche, was in requisition. In some of the hencoops, which would not have held two European ladies, seven or eight native women and children were crammed, all grinning with delight. Among the multitude there were, I believe, people from almost every province in India. I saw a great number of respectable-looking Indian women in carriages, who, I imagine, never appeared among Europeans before, and many of whom, I am sure, you would have thought beautiful, and certainly graceful, beyond any thing in Europe. I scarcely looked at the steam vessel: all that it can do may be seen in five minutes; but I wish I could have made a panorama of the living scene to send to you.'—(Vol. ii. p. 197.)

Taking leave of his private letters, we feel as if we were parting with a friend. It is impossible to have been thus permitted to come within the circle of his affections, and not love his person, though we never saw him. It has been already mentioned that Lady Munro had returned to England with her child. We were introduced in the first volume to his garden in the Baramah, and in the Ceded Districts. But the garden scenes contained in the following passages, written to Lady Munro after her departure with his son, are worth all the gardens between Delhi and Tanjore. The name of the child had been diminutived by the child himself to *Kamen* from Campbell.

'I then turned towards the garden, where I always found you, and Kamen trotting before you, except when he stayed behind to examine some ant-hole. How delightful it was to see him walking, or running, or stopping to endeavour to explain something with his hand to help his language. How easy, and artless, and beautiful are all the motions of a child! Every thing that he does is graceful. All his little ways are endearing, and they are the arms which nature has given him for his protection, because they make every body feel an attachment for him. I have lost his society just at the time when it was most interesting. It was his tottering walk, his helplessness, and unconsciousness, that I liked. By the time I see him again he will have lost all those qualities,—he will know how to behave himself,—he will have acquired some knowledge of the world, and will not be half so engaging as he now is. I almost wish that he would never change.'—(Vol. ii. p. 180.)—'I was in the garden this morning,—every thing is growing in great luxuri-

ance, but particularly the hinal and babool hedges. The new well is half full. I looked, on my way home, at what you call geraniums, but which seem to me to be more like wild potatoes. I stood for a minute admiring them, merely from the habit of doing so with you; for, had I followed my own taste, I should as soon have thought of admiring a brick-kiln as of gazing at a hundred red pots filled with weeds. There is something very melancholy in this house without you and your son. It has the air of some enchanted deserted mansion in romance. I often think of Kamen marching about the hall equipped for a walk, but resisting the ceremony of putting on his hat.—(Vol. ii. p. 185.)

After the opportunity which we have given the reader of judging for himself, he will not want any opinion from us on the character of Munro. Mr Gleig speaks of having many more such letters. We will not call their publication a duty. But for ourselves, we had rather that Cowley's Odes had been all burnt, and that his biographer—the Courtier Bishop—had published 'the language of his heart.' Were a sibyl to propose to us the alternative of recovering an additional volume of Cowper's Correspondence, or a lost book of Livy, we should let the poetical historian 'bide his time.' The pleasure of the heart, realities and romance, is of a more affecting, and of an infinitely more improving kind. The affections of private life are, after all, the great foundation and resource on which human happiness has to depend. Every representation of them that interests the feelings and commands the understanding, and which institutes a kind of personal companionship with an individual full of tenderness and virtue, is, even in creations of fiction, a present of incalculable value; but in the history of real life, is a benefit and a blessing almost approaching to the possession of such a friend.

We need say as little of Munro's intellectual endowments. As an author, he would be entitled to take the very highest place, for the rare excellences of manly sense delivered in a plain and manly style—great talent for the description of scenery, and the narration of events—a droll and pleasant humour, sporting with the feather, not piercing with the sting—a most natural expression of deep feeling, because deeply and naturally felt. There was a real moral enthusiasm about him on all occasions. Forty years in India had not deadened his sympathy for the Greeks. 'I trust that the independence of Greece will be secured. I am more anxious about that little country than about all the great powers.' 'Europe is more indebted to that country than has ever yet been acknowledged. I have seen no book which gives to Greece all that is due to her.' His indignation against the most flagrant act of modern impolicy and injustice

was as strong as it deserved. 'If the French do enter into a war with Spain, I hope it will end in the expulsion of the Bourbons both from France and Spain.' We quite agree that Bonaparte's invasion was not one jot more wicked. For Bonaparte himself, he felt, on visiting St Helena, the sentiments which fallen greatness must inspire in all except the vulgarest hearts. Besides, the setters-up and pullers-down of Oriental kings cannot be expected to have, in this respect, modified their language to the legitimate tone of European etiquette; at least not until they have passed the latitude of St Helena. His taste in literature was pure and simple. Accordingly, his criticisms on Persian compositions are such as would have astonished Sir W. Jones. We believe a page of Homer to be worth the whole Shah Nameh. Munro says, a chapter of Don Quixote is worth all their poetry together. The bombast of some of our public military letters from the East seems at one time to have disgusted his taste, and ruined his faith in them as documents for history, as much as civilian verbosity wore out afterwards his patience and his eyes.

It is difficult to marshal the comparative excellences of a mind, where you have to choose among so many. If nature can be said, in such a case, to lead the way, she meant to make him one of the most eminent soldiers of our age—perhaps the rival of his friend. His boyish reading had taken a military turn. Our Indian campaigns gave him abundant occasion for improving his talents by watching their egregious follies. We imagine that the Duke of Wellington, even as a beginner, was not much in the habit of canvassing for opinions. It is, therefore, no inconsiderable compliment to the professional reputation of Munro, among those who knew his merits, that the former should express so much eagerness for his approbation after the battle of Assye. A long letter begins with these words: 'As you are a judge of military operations, and as I am desirous of having your opinion on my side, I am about to give you an account of the battle at Assye.'—(Vol. i. p. 347.) Munro evidently thought the battle might have been spared. 'If there was any thing wrong at Assye, it was in giving battle; but in the conduct of the action every thing was right.'—(Vol. i. p. 354.) For money, Munro seems to have had more than a philosophical indifference—a high-minded disdain. He took very differently the want of military rank, and the loss of all occasion for the exercise of those talents which he could not but feel that he possessed. At last, on the breaking out of the Pindarrie war, fortune threw in his way a brilliant opportunity of justifying his own ambition, and the ex-

pectation of his friends. It has been seen that it was not with him, *capax imperii nisi imperasset*. The letter* written by Sir

* Sir J. Malcolm does not always do himself justice, or has not always justice done him. Therefore we rejoice in the publication of the above letter. It must remove any suspicion, wherever the suspicion had been entertained, that he is a man to view with jealousy the advancement or the fame of others in his own career. One such letter is more honourable to him than all the chapters of his History of Malwa—though Munro writes to him of one of the said chapters: ‘I have weighed the ninth chapter in my hand; and I could not help thinking, when poising it, as Sancho did when poising Mambrino’s helmet in his hand, “what a prodigious head the Pagan must have, whose capacious skull could contain thirteen such ponderous chapters as this!” I look at it with reverence when I open the drawer in which it lies deposited.’—(Vol. ii. p. 75.) Munro held as high an opinion of his Political History of India. ‘Have you seen the Last Man? He ought to die reading your last chapter. Your new edition will be by far the most valuable book in our language on our Indian empire, to every person who takes any interest in its stability.’—(Vol. ii. p. 163.) These volumes contain equal evidence of Munro’s anxiety to see Malcolm a governor in India. In the late unfortunate discussion between him, as governor of Bombay, and the Supreme Court, we conceive that the blame rests much more on the law, and on those who have left the law in this condition, than on either of the immediate parties, who with equal good faith supported or opposed the jurisdiction of the court. Surely it is time to settle the limits of this jurisdiction beyond the possibility of mistake. This dispute has now run the round of every presidency. It had convulsed Bengal as early as Warren Hastings. It disturbed Madras during the government of Munro. His opinion, that this jurisdiction should be strictly defined, and that the court should be completely debarred from all cognizance, in any shape, of the acts of government, is expressed in a letter to Mr Canning, and in a very able minute, arising out of the grant of an Altamgha Jagheer, in the strongest terms. ‘The natives don’t understand our refinements. Where we intend protection, they experience only complication. Where we mean checks, they see only divisions. The threads cross, break, and the empire, which threads only have supported, falls.’ The tone of Lord Ellenborough’s incredible despatch from the menagerie of the India Board, is indeed a different matter. Every drop of judicial blood flowing in his veins should have taught him better. It reminded us of Sir John’s account of the squabbles of former times. ‘During such contentions at home, the state of the Company’s affairs abroad may be imagined. The spirit of the principles upon which these were regulated will be collected from an extract of a letter from their governor at home to an officer who had been appointed judge for civil affairs in India. “I expect,” said this commercial despot, “my will and orders shall be your rule, and not the laws of England, which are a heap of nonsense, compiled by a number of country gentlemen who hardly know how to govern their own families, much less the regulating

John Malcolm to Secretary Adams on this occasion is in the true spirit of generous and admiring friendship :—

‘ I send you a copy of a public letter from *Tom Munro Sahib*, written for the information of Sir Thomas Hislop. If this letter makes the same impression upon you as it did upon me, we shall all recede as this extraordinary man comes forward. We use common vulgar means, and go on zealously, and actively, and courageously enough ; but how different is his part in the drama ! Insulated in an enemy’s country, with no military means whatever, (five disposable companies of sepoys were nothing,) he forms the plan of subduing the country, expelling the army by which it is occupied, and collecting the revenues that are due to the enemy, through the means of the inhabitants themselves, aided and supported by a few irregular infantry whom he invites from the neighbouring provinces for that purpose. His plan, which is at once simple and great, is successful in a degree that a mind like his could alone have anticipated. The country comes into his hands by the most legitimate of all modes, the zealous and spirited efforts of the natives to place themselves under his rule, and to enjoy the benefits of a government which, when administered by a man like him, is one of the best in the world. Munro, they say, has been aided in this great work by his local reputation,—but that adds to his title to praise. His popularity, in the quarter where he is placed, is the result of long experience of his talents and virtues, and rests exactly upon that basis of which an able and good man may be proud. Confess, after reading the enclosed, that I have a right to exult in the eagerness with which I pressed upon you the necessity of bringing forward this *master-workman*. You had only heard of him at a distance ; I had seen him near. Lord Hastings, however, showed on this, as on every other occasion, that he had only one desire—how best to provide for every possible exigency of the public service.’—(Vol. i. p. 530.)

We have been detained so long over Munro’s personal biography, that we have not room at present to go into the supposed peculiarities of his Indian system. The reader, who has received a quarter of the delight which the contemplation of such a character ought to convey, can testify his gratitude in no manner that would be half so acceptable to the subject of it, as in taking up this question in a sober, enquiring, but determined spirit. The cycle, too, has nearly brought us to the hour when the English public is periodically awakened into a momentary interest respecting India. We mean to avail ourselves of the moment, to

‘ companies and foreign commerce. Having now the power of condemning the Company’s enemies, or such as shall be deemed so, particularly those that shall question the Company’s power over all the British subjects in India, I expect my orders from time to time shall be obeyed, and received as statute laws.’—*Political History of India*, vol. i. p. 26.

catch it as it flies, and to beg for a hearing, at least, once in twenty years, in the name of humanity and justice. We plead for eighty millions of human beings, whom, on the other side of the globe, a mysterious providence has subjected to our power. A foreign dominion is in itself a hardship. One in which every individual native is excluded from every possible office of emolument or power, is a degradation. One in which it can be stated as a fact—that its taxation decreases population, that its police increases crime, that its courts of justice are more dreaded than no law—is a dominion that we dare not designate. *The Fifth Report* has now been before the public nearly twenty years. Parliament and the Company have since published bulky volumes. Up to the point, thus already placed within the reach of a worse than incurious public, how does the evidence stand? Materials enough exist, by which this evidence may be carried down to the present year. Are there not men amongst the Directors (a body whose general excellence of intention it is the extreme of ignorance or calumny to doubt)—are there not men in Parliament (which Parliament holds the keys to open and to shut for the English people)—who will look after these things? Burke failed to make out an Indian Verres. But a system,* which has baffled the goodness of Cornwallis and the energy of Munro, may be worse than all the proconsuls Rome ever turned loose on the Asia of her rule. What can possibly be the state of things where the administration of that which goes by the name of justice, is averred to be in reality an administration of

* It is a thousand pities that the acrimony of an almost personal hostility should appear so early and so prominently in discussions, where we should hope that all parties are equally interested for truth and justice. The task is one which requires all the calmness and the caution that a nation in solemn council can command. However fearfully our experiments may have failed, we think that, in their summary condemnations, Mr Crawford, Mr Rickards, and Mr Buckingham, have not made the reasonable allowances for the original difficulties of the case, and for the zealous good intentions which the Directors and their servants have exerted as a body to meet these difficulties. The administration of justice in India is, we believe, at present a crying evil. A belief so general is great reason for serious investigation; but none for calumniating either Cornwallis or Munro—or the Directors, whose benevolence of purpose was acknowledged by Mr Mill, while yet simply their historian—or the great majority of Indian civilians, whom the impracticability of the system alone has beat. We perfectly agree with Mr Mangles, as observed in his late excellent pamphlet, that the materials out of which this investigation must be carried on are to be found in the judicial selections so accurately and honestly returned—and only there.

expensive delay, of elaborate ignorance, and of indiscriminate chance? What are the courts of English jurisdiction from which the Mahratta flies in despair to his own wild and irregular tribunals;—in respect of which the trembling subject of the Nizam congratulates himself that, amidst all his miseries, English justice is a grievance that he has as yet escaped?

Parliament must enquire. European servants are not to be had in sufficient numbers. The revenue of India could not maintain them. If there was one in every village, they have not, and cannot have, the requisite experience and knowledge. They ought, therefore, to be confined to the moral control of a general and appellant superintendence. Native servants we can have to any number, for we can afford to pay them such salaries as will command their services, and will make it their policy to be honest. We are bound to make for them the same experiment which was alone found to answer with ourselves. In any given case, adjudication by a native is not only desirable, but indispensable for correct decision. None but a native can see the way through the turns of native evidence. In a political point of view, it will improve their condition, raise their character, and conciliate them to our rule. Were it nothing but mere justice, it is our duty to extend to them every means of improvement and of happiness that we can give them with safety to ourselves. No less is it for our honour so to train them up, that when the charmed wand of our power is broken, we may leave behind us, like the Romans, some seeds of political and moral cultivation, to compensate for a foreign away. It is more like Tartars than Englishmen not to seek to fit them for the government of themselves, so that they may one day pass, and gratefully, from a servitude, which has been only discipline, into national independence.

No. CII. will be published in July.

NOTE to Article on Southey's *Colloquies*.

IN our review of Dr Southey's *Colloquies* there is (No. C. p. 557) an error respecting the Northumberland Household Book. It appears from that record, that the servants of the Northumberland family had, contrary to our statement, bread with their meat. We were led into a mistake on this subject by Hume, who has, strangely enough, stated the consumption of wheat in the establishment at only one-twentieth part of what it really was. We think it right to mention this inaccuracy, though it does not materially affect our argument.

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THE EDINBURGH REVIEW.

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N^o. CII.

ART. I.—*The Law of Population : a Treatise in Six Books, in Disproof of the Superfecundity of Human Beings, and developing the real Principle of their increase.* By MICHAEL THOMAS SADLER, M.P. 2 vols. 8vo. London : 1830.

WE did not expect a good book from Mr Sadler ; and it is well that we did not ; for he has given us a very bad one. The matter of his treatise is extraordinary ; the manner more extraordinary still. His arrangement is confused, his repetitions endless, his style every thing which it ought not to be. Instead of saying what he has to say with the perspicuity, the precision, and the simplicity in which consists the eloquence proper to scientific writing, he indulges without measure in vague, bombastic declamation, made up of those fine things which boys of fifteen admire, and which every body, who is not destined to be a boy all his life, weeds vigorously out of his compositions after five-and-twenty. That portion of his two thick volumes which is not made up of statistical tables, consists principally of ejaculations, apostrophes, metaphors, similes,—all the worst of their respective kinds. His thoughts are dressed up in this shabby finery with so much profusion and so little discrimination, that they remind us of a company of wretched strolling players, who have huddled on suits of ragged and faded tinsel, taken from a common wardrobe, and fitting neither their persons nor their parts ; and who then exhibit themselves to the laughing and pitying spectators, in a state of strutting, ranting, painted, gilded beggary. ‘ Oh, rare Daniels ! ’ ‘ Political economist, go and do thou likewise ! ’ ‘ Hear, ye political economists and anti-populationists ! ’ ‘ Population, if not proscribed and worried down by the Cerberean dogs of this wretched and

'cruel system, really does press against the level of the means of subsistence, and still elevating that level, it continues thus to urge society through advancing stages, till at length the strong and resistless hand of necessity presses the secret spring of human prosperity, and the portals of Providence fly open, and disclose to the enraptured gaze the promised land of contented and rewarded labour.'—These are specimens, taken at random, of Mr Sadler's eloquence. We could easily multiply them; but our readers, we fear, are already inclined to cry for mercy.

Much blank verse and much rhyme is also scattered through these volumes, sometimes rightly quoted, sometimes wrongly,—sometimes good, sometimes insufferable,—sometimes taken from Shakspeare, and sometimes, for aught we know, Mr Sadler's own. 'Let man,' cries the philosopher, 'take heed how he rashly violates his trust;' and thereupon he breaks forth into singing as follows :

'What myriads wait in destiny's dark womb,
Doubtful of life or an eternal tomb !
'Tis his to blot them from the book of fate,
Or, like a second Deity, create ;
To dry the stream of being in its source,
Or bid it, widening, win its restless course ;
While, earth and heaven replenishing, the flood
Rolls to its Ocean fount, and rests in God.'

If these lines are not Mr Sadler's, we heartily beg his pardon for our suspicion—a suspicion which, we acknowledge, ought not to be lightly entertained of any human being. We can only say, that we never met with them before, and that we do not much care how long it may be before we meet with them, or with any others like them, again.

The spirit of this work is as bad as its style. We never met with a book which so strongly indicated that the writer was in a good humour with himself, and in a bad humour with every body else ;—which contained so much of that kind of reproach which is vulgarly said to be no slander, and of that kind of praise which is vulgarly said to be no commendation. Mr Malthus is attacked in language which it would be scarcely decent to employ respecting Titus Oates. 'Atrocious,' 'execrable,' 'blasphemous,' and other epithets of the same kind, are poured forth against that able, excellent, and honourable man, with a profusion which in the early part of the work excites indignation ; but, after the first hundred pages, produces mere weariness and nausea. In the preface, Mr Sadler excuses himself on the plea of haste. Two-thirds of his book, he tells us, were written

in a few months. If any terms have escaped him which can be construed into personal disrespect, he shall deeply regret that he had not more time to revise them. We must inform him that the tone of his book required a very different apology;—and that a quarter of a year, though it is a short time for a man to be engaged in writing a book, is a very long time for a man to be in a passion.

The imputation of being in a passion Mr Sadler will not disclaim. His is a theme, he tells us, on which ‘it were impious to be calm;’ and he boasts that ‘instead of conforming to the candour of the present age, he has imitated the honesty of preceding ones, in expressing himself with the utmost plainness and freedom throughout.’ If Mr Sadler really wishes that the controversy about his new principle of population should be carried on with all the license of the seventeenth century, we can have no personal objections. We are quite as little afraid of a contest in which quarter shall be neither given nor taken as he can be. But we would advise him seriously to consider, before he publishes the promised continuation of his work, whether he be not one of that class of writers who stand peculiarly in need of the candour which he insults, and who would have most to fear from that unsparing severity which he practises and recommends.

There is only one excuse for the extreme acrimony with which this book is written, and that excuse is but a bad one. Mr Sadler imagines that the theory of Mr Malthus is inconsistent with Christianity, and even with the purer forms of Deism. Now even had this been the case, a greater degree of mildness and self-command than Mr Sadler has shown would have been becoming in a writer who had undertaken to defend the religion of charity. But in fact, the imputation which has been thrown on Mr Malthus and his followers, is so absurd as scarcely to deserve an answer. As it appears, however, in almost every page of Mr Sadler’s book, we will say a few words respecting it.

Mr Sadler describes Mr Malthus’s principle in the following words:—

‘It pronounces that there exists an evil in the principle of population; an evil, not accidental, but inherent; not of occasional occurrence, but in perpetual operation; not light, transient, or mitigated, but productive of miseries, compared with which all those inflicted by human institutions, that is to say, by the weakness and wickedness of man, however instigated, are “light:” an evil, finally, for which there is no remedy save one, which had been long overlooked, and which is now enunciated in terms which evince any thing rather than confidence. It is a principle, moreover, pre-eminently bold, as well as “clear.” With a presumption, to call it by no

fitter name, of which it may be doubted whether literature, heathen or Christian, furnishes a parallel, it professes to trace this supposed evil to its source, "the laws of nature, which are those of God;" thereby implying, and indeed asserting, that the law by which the Deity multiplies his offspring, and that by which he makes provision for their sustentation, are different, and, indeed, irreconcilable.'

'This theory,' he adds, 'in the plain apprehension of the many, lowers the character of the Deity in that attribute, which, as Rousseau has well observed, is the most essential to him, his goodness; or otherwise, impugns his wisdom.'

Now nothing is more certain than that there is physical and moral evil in the world. Whoever, therefore, believes, as we do most firmly believe, in the goodness of God, must believe that there is no incompatibility between the goodness of God and the existence of physical and moral evil. If then the goodness of God be not incompatible with the existence of physical and moral evil, on what grounds does Mr Sadler maintain that the goodness of God is incompatible with the law of population laid down by Mr Malthus?

Is there any difference between the particular form of evil which would be produced by over-population, and other forms of evil which we know to exist in the world? It is, says Mr Sadler, not a light or transient evil, but a great and permanent evil.—What then? The question of the origin of evil is a question of *ay* or *no*,—not a question of more or less. If any explanation can be found by which the slightest inconvenience ever sustained by any sentient being can be reconciled with the divine attribute of benevolence, that explanation will equally apply to the most dreadful and extensive calamities that can ever afflict the human race. The difficulty arises from an apparent contradiction in terms; and that difficulty is as complete in the case of a headach which lasts for an hour, as in the case of a pestilence which unpeoples an empire,—in the case of the gust which makes us shiver for a moment, as in the case of the hurricane in which an Armada is cast away.

It is, according to Mr Sadler, an instance of presumption unparalleled in literature, heathen or Christian, to trace an evil to 'the laws of nature, which are those of God,' as its source. Is not hydrophobia an evil? And is it not a law of nature that hydrophobia should be communicated by the bite of a mad dog? Is not malaria an evil? And is it not a law of nature, that in particular situations the human frame should be liable to malaria? We know that there is evil in the world. If it is not to be traced to the laws of nature, how did it come into the world? Is it supernatural? And if we suppose it to be supernatural, is not the

difficulty of reconciling it with the divine attributes as great as if we suppose it to be natural? Or, rather, what do the words natural and supernatural mean, when applied to the operations of the supreme mind?

Mr Sadler has attempted, in another part of his work, to meet these obvious arguments, by a distinction without a difference.

‘The scourges of human existence, as necessary regulators of the numbers of mankind, it is also agreed by some, are not inconsistent with the wisdom or benevolence of the Governor of the universe; though such think that it is a mere after-concern to “reconcile the undeniable state of the fact to the attributes we assign to the Deity.” “The purpose of the earthquake,” say they, “the hurricane, the drought, or the famine, by which thousands, and sometimes almost millions, of the human race, are at once overwhelmed, or left the victims of lingering want, is certainly inscrutable.” How singular is it that a sophism like this, so false, as a mere illustration, should pass for an argument, as it has long done! The principle of population is declared to be naturally productive of evils to mankind, and as having that constant and manifest tendency to increase their numbers beyond the means of their subsistence, which has produced the unhappy and disgusting consequences so often enumerated. This is, then, its universal tendency or rule. But is there in Nature the same constant tendency to these earthquakes, hurricanes, droughts, and famines, by which so many myriads, if not millions, are overwhelmed or reduced at once to ruin? No; these awful events are strange exceptions to the ordinary course of things; their visitations are partial, and they occur at distant intervals of time. While Religion has assigned to them a very solemn office, Philosophy readily refers them to those great and benevolent principles of Nature by which the universe is regulated. But were there a constantly operating tendency to these calamitous occurrences; did we feel the earth beneath us tremulous, and giving ceaseless and certain tokens of the coming catastrophe of nature; were the hurricane heard mustering its devastating powers, and perpetually muttering around us; were the skies “like brass,” without a cloud to produce one genial drop to refresh the thirsty earth, and famine, consequently, visibly on the approach; I say, would such a state of things, as resulting from the constant laws of Nature, be “reconcilable with the attributes we assign to the Deity,” or with any attributes which in these inventive days could be assigned to him, so as to represent him as any thing but the tormentor, rather than the kind benefactor, of his creatures? Life, in such a condition, would be like the unceasingly threatened and miserable existence of Damocles at the table of Dionysius, and the tyrant himself the worthy image of the deity of the anti-populationists.’

Surely this is wretched trifling. Is it on the number of bad harvests, or of volcanic eruptions, that this great question depends? Mr Sadler’s piety, it seems, would be proof against one rainy summer, but would be overcome by three or four in succession. On the coasts of the Mediterranean, where earth-

quakes are rare, he would be an optimist. South America would make him a sceptic, and Java a decided Manichean. To say that religion assigns a solemn office to these visitations is nothing to the purpose. Why was man so constituted as to need such warnings? It is equally unmeaning to say that philosophy refers these events to benevolent general laws of nature. In so far as the laws of nature produce evil, they are clearly not benevolent. They may produce much good. But why is this good mixed with evil? The most subtle and powerful intellects have been labouring for centuries to solve these difficulties. The true solution, we are inclined to think, is that which has been rather suggested, than developed, by Paley and Butler. But there is not one solution which will not apply quite as well to the evils of over-population as to any other evil. Many excellent people think that it is presumptuous to meddle with such high questions at all, and that, though there doubtless is an explanation, our faculties are not sufficiently enlarged to comprehend that explanation. This mode of getting rid of the difficulty, again, will apply quite as well to the evils of over-population as to any other evils. We are sure, that those who humbly confess their inability to expound the great enigma, act more rationally and more decorously than Mr Sadler, who tells us, with the utmost confidence, which are the means and which the ends,—which the exceptions and which the rules, in the government of the universe;—who consents to bear a little evil without denying the divine benevolence, but distinctly announces that a certain quantity of dry weather or stormy weather would force him to regard the Deity as the tyrant of his creatures.

The great discovery by which Mr Sadler has, as he conceives, vindicated the ways of Providence, is enounced with all the pomp of capital letters. We must particularly beg that our readers will peruse it with attention.

‘ No one fact relative to the human species is more clearly ascertained, whether by general observation or actual proof, than that their fecundity varies in different communities and countries. The principle which effects this variation, without the necessity of those cruel and unnatural expedients so frequently adverted to, constitutes what I presume to call **THE LAW OF POPULATION**; and that law may be thus briefly enunciated :

‘ **THE PROLIFICNESS OF HUMAN BEINGS, OTHERWISE SIMILARLY CIRCUMSTANCED, VARIES INVERSELY AS THEIR NUMBERS.**

‘ The preceding definition may be thus amplified and explained. Premising, as a mere truism, that marriages under precisely similar circumstances will, on the average, be equally fruitful everywhere, I proceed to state, first, that the prolificness of a given number of marriages will, all other circumstances being the same, vary in proportion to the condensa-

tion of the population, so that that prolificness shall be greatest where the numbers on an equal space are the fewest, and, on the contrary, the smallest where those numbers are the largest.'

Mr Sadler, at setting out, abuses Mr Malthus for enouncing his theory in terms taken from the exact sciences. 'Applied to 'the mensuration of human fecundity,' he tells us, 'the most 'fallacious of all things is geometrical demonstration;' and he again informs us that those 'act an irrational and irreverent 'part who affect to measure the mighty depth of God's mercies 'by their arithmetic, and to demonstrate, by their geometrical 'ratios, that it is inadequate to receive and contain the efflux of 'that fountain of life which is in Him.'

It appears, however, that it is not to the use of mathematical words, but only to the use of those words in their right senses, that Mr Sadler objects. The law of inverse variation, or inverse proportion, is as much a part of mathematical science as the law of geometric progression. The only difference in this respect between Mr Malthus and Mr Sadler is, that Mr Malthus knows what is meant by geometric progression, and that Mr Sadler has not the faintest notion of what is meant by inverse variation. Had he understood the proposition which he has enounced with so much pomp, its ludicrous absurdity must at once have flashed on his mind.

Let it be supposed that there is a tract in the back settlements of America, or in New South Wales, equal in size to London, with only a single couple, a man and his wife, living upon it. The population of London, with its immediate suburbs, is now probably about a million and a half. The average fecundity of a marriage in London is, as Mr Sadler tells us, 2.35. How many children will the woman in the back settlements bear according to Mr Sadler's theory? The solution of the problem is easy. As the population in this tract in the back settlements to the population of London, so will be the number of children born from a marriage in London to the number of children born from the marriage of this couple in the back settlements. That is to say—

$$2 : 1,500,000 :: 2.35 : 1,762,500.$$

The lady will have 1,762,500 children : a large 'efflux of the 'fountain of life,' to borrow Mr Sadler's sonorous rhetoric, as the most philoprogenitive parent could possibly desire.

But let us, instead of putting cases of our own, look at some of those which Mr Sadler has brought forward in support of his theory. The following table, he tells us, exhibits a striking proof of the truth of his main position. It seems to us to prove

only that Mr Sadler does not know what inverse proportion means.

Countries.	Inhabitants on a square mile, about	Children to a Marriage.
Cape of Good Hope .	1	5.48
North America . .	4	5.22
Russia in Europe . .	23	4.94
Denmark	73	4.89
Prussia	100	4.70
France	140	4.22
England	160	3.66

Is 1 to 160 as 3.66 to 5.48? If Mr Sadler's principle were just, the number of children produced by a marriage at the Cape would be not 5.48, but very near 600. Or take America and France. Is 4 to 140 as 4.22 to 5.22? The number of births to a marriage in North America ought, according to this proportion, to be about 150.

Mr Sadler states the law of population in England thus:—

Where the inhabitants are found to be on the square mile,			
From 50 to 100 (2 counties)	the births to 100 marriages are		420
— 100 to 150 (9 counties)	.	.	396
— 150 to 200 (16 counties)	.	.	390
— 200 to 250 (4 counties)	.	.	388
— 250 to 300 (5 counties)	.	.	378
— 300 to 350 (3 counties)	.	.	353
— 500 to 600 (2 counties)	.	.	331
— 4000, and upwards (1 county)	.	.	246

Now, I think it quite reasonable to conclude, that, were there not another document in existence relative to this subject, the facts thus deduced from the census of England are fully sufficient to demonstrate the position, that the fecundity of human beings varies inversely as their numbers. How, I ask, can it be evaded?

What, we ask, is there to evade? Is 246 to 420 as 50 to 4000? Is 331 to 396 as 100 to 500? If the law propounded by Mr Sadler were correct, the births to a hundred marriages in the least populous part of England, would be $\frac{246 \times 4000}{50}$

that is 19,680,—nearly two hundred children to every mother. But we will not carry on these calculations. The absurdity of Mr Sadler's proposition is so palpable that it is unnecessary to select particular instances. Let us see what are the extremes of

population and fecundity in well-known countries. The space which Mr Sadler generally takes is a square mile. The population at the Cape of Good Hope is, according to him, one to the square mile. That of London is two hundred thousand to the square mile. The number of children at the Cape, Mr Sadler informs us, is 5.48 to a marriage. In London, he states it at 2.35 to a marriage. Now how can that of which all the variations lie between 2.35 and 5.48 vary either directly or inversely, as that which admits of all the variations between one and two hundred thousand? Mr Sadler evidently does not know the meaning of the word proportion. A million is a larger quantity than ten. A hundred is a larger quantity than five. Mr Sadler thinks, therefore, that there is no impropriety in saying that a hundred is to five, as a million is to ten, or in the inverse ratio of ten to a million. He proposes to prove that the fecundity of marriages varies in inverse proportion to the density of the population. But all that he attempts to prove is that, while the population increases from one to a hundred and sixty on the square mile, the fecundity will diminish from 5.48 to 3.66; and that again, while the population increases from one hundred and sixty to two hundred thousand on the square mile, the fecundity will diminish from 3.66 to 2.35.

The proposition which Mr Sadler enounces, without understanding the words which he uses, would indeed, if it could be proved, set us at ease as to the dangers of over-population. But it is, as we have shown, a proposition so grossly absurd, that it is difficult for any man to keep his countenance while he repeats it. The utmost that Mr Sadler has ever attempted to prove is this,—that the fecundity of the human race diminishes as population becomes more condensed,—but that the diminution of fecundity bears a very small ratio to the increase of population,—so that while the population on a square mile is multiplied two-hundred-thousand-fold, the fecundity decreases by little more than one-half.

Does this principle vindicate the honour of God? Does it hold out any new hope or comfort to man? Not at all. We pledge ourselves to show, with the utmost strictness of reasoning, from Mr Sadler's own principles, and from facts of the most notorious description, that every consequence which follows from the law of geometrical progression, laid down by Mr Malthus, will follow from the law, miscalled a law of inverse variation, which has been laid down by Mr Sadler.

London is the most thickly-peopled spot of its size in the known world. Therefore the fecundity of the population of London must, according to Mr Sadler, be less than the fecun-

dity of human beings living on any other spot of equal size. Mr Sadler tells us, that 'the ratios of mortality are influenced by the different degrees in which the population is condensed; and that, other circumstances being similar, the relative number of deaths in a thinly-populated, or country district, is less than that which takes place in towns, and in towns of a moderate size, less again than that which exists in large and populous cities.' Therefore the mortality in London must, according to him, be greater than in other places. But though, according to Mr Sadler, the fecundity is less in London than elsewhere, and though the mortality is greater there than elsewhere, we find that even in London the number of births greatly exceeds the number of deaths. During the ten years which ended with 1820, there were fifty thousand more baptisms than burials within the bills of mortality. It follows, therefore, that, even within London itself, an increase of the population is taking place by internal propagation.

Now if the population of a place in which the fecundity is less and the mortality greater than in other places still goes on increasing by propagation, it follows that in other places the population will increase, and increase still faster. There is clearly nothing in Mr Sadler's boasted law of fecundity which will keep the population from multiplying till the whole earth is as thick with human beings as St Giles's parish. If Mr Sadler denies this, he must hold, that in places less thickly peopled than London, marriages may be less fruitful than in London, which is directly contrary to his own principles; or that in places less thickly peopled than London, and similarly situated, people will die faster than in London, which is again directly contrary to his own principles. Now if it follows, as it clearly does follow, from Mr Sadler's own doctrines, that the human race might be stowed together by three or four hundred to the acre, and might still, as far as the principle of propagation is concerned, go on increasing, what advantage, in a religious or moral point of view, has his theory over that of Mr Malthus? The principle of Mr Malthus, says Mr Sadler, leads to consequences of the most frightful description. Be it so. But do not all these consequences spring equally from his own principle? Revealed religion condemns Mr Malthus. Be it so. But Mr Sadler must share in the reproach of heresy. The theory of Mr Malthus represents the Deity as a Dionysius hanging the sword over the heads of his trembling slaves. Be it so. But under what rhetorical figure are we to represent the Deity of Mr Sadler?

A man who wishes to serve the cause of religion ought to hesitate long before he stakes the truth of religion on the event of

a controversy respecting facts in the physical world. For a time he may succeed in making a theory which he dislikes unpopular, by persuading the public that it contradicts the Scriptures, and is inconsistent with the attributes of the Deity. But if at last an overwhelming force of evidence proves this maligned theory to be true, what is the effect of the arguments by which the objector has attempted to prove that it is irreconcilable with natural and revealed religion? Merely this, to make men infidels. Like the Israelites, in their battle with the Philistines, he has presumptuously, and without warrant, brought down the ark of God into the camp, as a means of ensuring victory:—and the consequence of this profanation is, that, when the battle is lost, the ark is taken.

In every age the Church has been cautioned against this fatal and impious rashness by its most illustrious members,—by the fervid Augustin, by the subtle Aquinas, by the all-accomplished Pascal. The warning has been given in vain. That close alliance which, under the disguise of the most deadly enmity, has always subsisted between fanaticism and atheism, is still unbroken. At one time, the cry was,—‘If you hold that the earth moves round the sun, you deny the truth of the Bible.’ Popes, conclaves, and religious orders, rose up against the Copernican heresy. But, as Pascal said, they could not prevent the earth from moving, or themselves from moving along with it. One thing, however, they could do, and they did. They could teach numbers to consider the Bible as a collection of old women’s stories, which the progress of civilisation and knowledge was refuting one by one. They had attempted to show that the Ptolemaic system was as much a part of Christianity as the resurrection of the dead. Was it strange, then, that, when the Ptolemaic system became an object of ridicule to every man of education in Catholic countries, the doctrine of the resurrection should be in peril? In the present generation, and in our own country, the prevailing system of geology has been, with equal folly, attacked on the ground that it is inconsistent with the Mosaic dates; and here we have Mr Sadler, out of his especial zeal for religion, first proving that the doctrine of superfecundity is irreconcilable with the goodness of God, and then laying down principles, and stating facts, from which the doctrine of superfecundity necessarily follows. This blundering piety reminds us of the adventures of a certain missionary, who went to convert the inhabitants of Madagascar. The good father had an audience of the king, and began to instruct his majesty in the history of the human race as given in the Scriptures. ‘Thus,’ said he, ‘was woman made out of the rib of man, and ever

'since that time a woman has had one rib more than a man.'—
 'Surely, father, you must be mistaken there,' said the king.
 'Mistaken!' said the missionary. 'It is an indisputable fact. My
 faith upon it! My life upon it!' The good man had heard the
 fact asserted by his nurse when he was a child,—had always con-
 sidered it as a strong confirmation of the Scriptures, and fully
 believed it, without having ever thought of verifying it. The
 king ordered a man and woman, the leanest that could be found,
 to be brought before him, and desired his spiritual instructor to
 count their ribs. The father counted over and over, upward and
 downward, and still found the same number in both. He then
 cleared his throat, stammered, stuttered, and began to assure the
 king that, though he had committed a little error in saying that a
 woman had more ribs than a man, he was quite right in saying
 that the first woman was made out of the rib of the first man.
 'How can I tell that?' said the king. 'You come to me with a
 strange story, which you say is revealed to you from heaven. I
 have already made you confess that one half of it is a lie; and
 how can you have the face to expect that I shall believe the
 other half?'

We have shown that Mr Sadler's theory, if it be true, is as
 much a theory of superfecundity as that of Mr Malthus. But
 it is not true. And from Mr Sadler's own tables we will prove
 that it is not true.

The fecundity of the human race in England Mr Sadler rates
 as follows:—

Where the inhabitants are found to be on the square mile				
From	50 to 100 (2 counties)	the births to 100 marriages are	420	
—	100 to 150 (9 counties)	.	.	396
—	150 to 200 (16 counties)	.	.	390
—	200 to 250 (4 counties)	.	.	388
—	250 to 300 (5 counties)	.	.	378
—	300 to 350 (3 counties)	.	.	353
—	500 to 600 (2 counties)	.	.	331
—	4000 and upwards (1 county)	.	.	246

Having given this table, he begins, as usual, to boast and tri-
 umph. 'Were there not another document on the subject in
 existence,' says he, 'the facts thus deduced from the census of
 England are sufficient to demonstrate the position, that the fe-
 cundity of human beings varies inversely as their numbers.'
 In no case would these facts demonstrate that the fecundity of
 human beings varies inversely as their numbers, in the right
 sense of the words inverse variation. But certainly they would,
 'if there were no other document in existence,' appear to indi-
 cate something like what Mr Sadler means by inverse variation.

Unhappily for him, however, there are other documents in existence, and he has himself furnished us with them. We will extract another of his tables:—

TABLE LXIV.

Showing the Operation of the Law of Population in the different Hundreds of the County of Lancaster.

Hundreds.	Population on each Square Mile.	Square Miles.	Population in 1821, exclusive of Towns of separate Jurisdiction.	Marriages from 1811 to 1821.	Baptisms from 1811 to 1821.	Baptisms to 100 Marriages.
Lonsdale .	96	441	42,486	3651	16,129	442
Almondness .	267	223	60,930	3670	15,228	415
Leyland . . .	354	126	44,583	2858	11,182	391
West Derby .	409	377	154,040	24,182	86,407	357
Blackburn . .	513	286	146,608	10,814	31,463	291
Salford	869	373	322,592	40,143	114,941	286

Mr Sadler rejoices much over this table. The results, he says, have surprised himself; and, indeed, as we shall show, they might well have done so.

The result of his enquiries with respect to France he presents in the following table:—

‘The legitimate births are, in those departments where there are to each inhabitant

From 4 to 5 hects. (2 depts.)	to every 1000 marriages,	. 5130
3 to 4 . . (3 do.)		4372
2 to 3 . . (30 do.)		4250
1 to 2 . . (44 do.)		4234
.06 to 1 . . (5 do.)		4146
and .06 . . (1 do.)		2557

Then comes the shout of exultation as regularly as the *Gloria Patri* at the end of a Psalm. ‘Is there any possibility of gain-saying the conclusions these facts force upon us; namely, that ‘the fecundity of marriages is regulated by the density of the ‘population, and inversely to it?’

Certainly these tables, taken separately, look well for Mr Sadler’s theory. He must be a bungling gamester who cannot win when he is suffered to pack the cards his own way. We must beg leave to shuffle them a little, and we will venture to pro-

mise our readers that some curious results will follow from the operation. In nine counties of England, says Mr Sadler, in which the population is from 100 to 150 on the square mile, the births to 100 marriages are 396. He afterwards expresses some doubt as to the accuracy of the documents from which this estimate has been formed, and rates the number of births as high as 414. Let him take his choice. We will allow him every advantage.

In the table which we have quoted, numbered lxiv. he tells us that in Almondness, where the population is 267 to the square mile, there are 415 births to 100 marriages. The population of Almondness is twice as thick as the population of the nine counties referred to in the other table. Yet the number of births to a marriage is greater in Almondness than in those counties.

Once more, he tells us, that in three counties, in which the population was from 300 to 350 on the square mile, the births to 100 marriages were 353. He afterwards rates them at 375. Again we say, let him take his choice. But from his table of the population of Lancashire it appears that, in the hundred of Leyland, where the population is 354 to the square mile, the number of births to 100 marriages is 391. Here again we have the marriages becoming more fruitful as the population becomes denser.

Let us now shuffle the censuses of England and France together. In two English counties which contain from fifty to 100 inhabitants on the square mile, the births to 100 marriages are, according to Mr Sadler, 420. But in forty-four departments of France, in which there are from one to two hecatares to each inhabitant, that is to say, in which the population is from 125 to 250, or rather more, to the square mile, the number of births to 100 marriages is 423 and a fraction.

Again, in five departments of France in which there is less than one hecatare to each inhabitant, that is to say, in which the population is more than 250 to the square mile, the number of births to 100 marriages is 414 and a fraction. But in the four counties of England in which the population is from 200 to 250 on the square mile, the number of births to 100 marriages is, according to one of Mr Sadler's tables, only 388, and by his very highest estimate no more than 402.

Mr Sadler gives us a long table of all the towns of England and Ireland, which, he tells us, irrefragably demonstrates his principle. We assert, and will prove, that these tables are alone sufficient to upset his whole theory.

It is very true, that in the great towns the number of births

to a marriage appears to be smaller than in the less populous towns. But we learn some other facts from these tables which we should be glad to know how Mr Sadler will explain. We find that the fecundity in towns of fewer than 3000 inhabitants, is actually much greater than the average fecundity of the kingdom, and that the fecundity in towns of between 3000 and 4000 inhabitants is at least as great as the average fecundity of the kingdom. The average fecundity of a marriage in towns of fewer than 3000 inhabitants is about four; in towns of between 3000 and 4000 inhabitants it is 3.60. Now the average fecundity of England, when it contained only 160 inhabitants to a square mile, and when, therefore, according to the new law of population, the fecundity must have been greater than it now is, was only, according to Mr Sadler 3.66 to a marriage. To proceed,—the fecundity of a marriage in the English towns of between 4000 and 5000 inhabitants, is stated at 3.56. But when we turn to Mr Sadler's table of the counties, we find the fecundity of a marriage in Warwickshire and Staffordshire rated at only 3.48, and in Lancashire and Surrey at only 3.41.

These facts disprove Mr Sadler's principle; and the fact on which he lays so much stress,—that the fecundity is less in the great towns than in the small towns,—does not tend in any degree to prove his principle. There is not the least reason to believe that the population is more dense, *on a given space*, in London or Manchester, than in a town of 4000 inhabitants. But it is quite certain that the population is more dense in a town of 4000 inhabitants than in Warwickshire or Lancashire. That the fecundity of Manchester is less than the fecundity of Sandwich or Guildford, is a circumstance which has nothing whatever to do with Mr Sadler's theory. But that the fecundity of Sandwich is greater than the average fecundity of Kent,—that the fecundity of Guildford is greater than the average fecundity of Surrey, as from his own tables appears to be the case,—these are facts utterly inconsistent with his theory.

We need not here examine why it is that the human race is less fruitful in great cities than in small towns or in the open country. The fact has long been notorious. We are inclined to attribute it to the same causes which tend to abridge human life in great cities,—to general sickness and want of tone, produced by close air and sedentary employments. Thus far, and thus far only, we agree with Mr Sadler, that when population is crowded together in such masses, that the general health and energy of the frame are impaired by the condensation, and by the habits attending on the condensation, then the fecundity of

the race diminishes. But this is evidently a check of the same class with war, pestilence, and famine. It is a check for the operation of which Mr Malthus has allowed.

That any condensation which does not affect the general health will affect fecundity, is not only not proved—it is disproved—by Mr Sadler's own tables.

Mr Sadler passes on to Prussia, and sums up his information respecting that country as follows :—

Inhabitants on a Square Mile, German.	Number of Provinces.	Births to 100 Marriages, 1754.	Births to 100 Marriages, 1784.	Births to 100 Marriages, Busching.
Under 1000	2	434	472	503
1000 to 2000	4	414	455	454
2000 to 3000	6	384	424	426
3000 to 4000	2	365	408	394

After the table comes the boast as usual :

' Thus is the law of population deduced from the registers of Prussia also; and were the argument to pause here, it is conclusive. The results obtained from the registers of this and the preceding countries, exhibiting, as they do most clearly, the principle of human increase, it is utterly impossible should have been the work of chance; on the contrary, the regularity with which the facts class themselves in conformity with that principle, and the striking analogy which the whole of them bear to each other, demonstrate equally the design of Nature, and the certainty of its accomplishment.'

We are sorry to disturb Mr Sadler's complacency. But, in our opinion, this table completely disproves his whole principle. If we read the columns perpendicularly indeed, they seem to be in his favour. But how stands the case if we read horizontally? Does Mr Sadler believe, that during the thirty years which elapsed between 1754 and 1784, the population of Prussia had been diminishing? No fact in history is better ascertained than that, during the long peace which followed the seven years' war, it increased with great rapidity. Indeed, if the fecundity were what Mr Sadler states it to have been, it must have increased with great rapidity. Yet, the ratio of births to marriages is greater in 1784 than in 1754, and that in every province. It is, therefore, perfectly clear that the fecundity does not diminish whenever the density of the population increases.

We will try another of Mr Sadler's tables :

TABLE LXXXI.

Showing the Estimated Prolificness of Marriages in England, at the close of the Seventeenth Century.

Places.	Number of Inhabitants.	One Annual Marriage, to	Number of Marriages.	Children to one Marriage.	Total Number of Births.
London . . .	530,000	106	5000	4.	20,000
Large Towns .	870,000	128	6800	4.5	30,000
Small Towns and } Country Places }	4,100,000	141	29,200	4.8	140,160
	5,500,000	134	41,000	4.65	190,760

Standing by itself, this table, like most of the others, seems to support Mr Sadler's theory. But surely London, at the close of the seventeenth century, was far more thickly peopled than the kingdom of England now is. Yet the fecundity in London at the close of the seventeenth century was 4; and the average fecundity of the whole kingdom now is not more, according to Mr Sadler, than $3\frac{1}{2}$. Then, again, the large towns in 1700 were far more thickly peopled than Westmorland and the North Riding of Yorkshire now are. Yet the fecundity in those large towns was then 4.5. And Mr Sadler tells us that it is now only 4.2 in Westmorland and the North Riding.

It is scarcely necessary to say any thing about the censuses of the Netherlands, as Mr Sadler himself confesses that there is some difficulty in reconciling them with his theory, and helps out his awkward explanation, by supposing, quite gratuitously, as it seems to us, that the official documents are inaccurate. The argument which he has drawn from the United States will detain us but for a very short time. He has not told us,—perhaps he had not the means of telling us,—what proportion the number of births in the different parts of that country bears to the number of marriages. He shows, that in the thinly-peopled states, the number of children bears a greater proportion to the number of grown-up people than in the old states; and this, he conceives, is a sufficient proof that the condensation of the population is unfavourable to fecundity. We deny the inference al-

together. Nothing can be more obvious than the explanation of the phenomenon. The back settlements are for the most part peopled by emigration from the old states; and emigrants are almost always breeders. They are almost always vigorous people in the prime of life. Mr Sadler himself, in another part of his book, in which he tries, very unsuccessfully, to show that the rapid multiplication of the people of America is principally owing to emigration from Europe, states this fact in the plainest manner:

‘ Nothing is more certain, than that emigration is almost universally supplied by “single persons in the beginning of mature life;” nor, secondly, that such persons, as Dr Franklin long ago asserted, “marry and raise families.”

‘ Nor is this all. It is not more true, that emigrants, generally speaking, consist of individuals in the prime of life, than that “they are the most active and vigorous” of that age, as Dr Seybert describes them to be. They are, as it respects the principle at issue, a select class, even compared with that of their own age generally considered. Their very object in leaving their native countries is to settle in life, a phrase that needs no explanation; and they do so. No equal number of human beings, therefore, have ever given so large or rapid an increase to a community as “settlers” have invariably done.’

It is perfectly clear that children are more numerous in the back settlements of America than in the maritime states, not because unoccupied land makes people prolific, but because the most prolific people go to the unoccupied land.

Mr Sadler having, as he conceives, fully established his theory of population by statistical evidence, proceeds to prove, ‘that it is in unison, or rather required by the principles of physiology.’ The difference between himself and his opponents he states as follows:—

‘ In pursuing this part of my subject, I must begin by reminding the reader of the difference between those who hold the superfecundity of mankind, and myself, in regard to those principles which will form the basis of the present argument. They contend, that production precedes population; I, on the contrary, maintain that population precedes, and is indeed the cause of, production. They teach, that man breeds up to the capital, or in proportion to the abundance of the food, he possesses; I assert, that he is comparatively sterile when he is wealthy, and that he breeds in proportion to his poverty; not meaning, however, by that poverty, a state of privation approaching to actual starvation, any more than, I suppose, they would contend, that extreme and culpable excess is the grand patron of population. In a word, they hold that a state of ease and affluence is the great promoter of prolificness: I maintain that a considerable degree of labour, and even privation, is a more efficient cause of an increased degree of human fecundity.’

To prove this point, he quotes Aristotle, Hippocrates, Dr Short,

Dr Gregory, Dr Perceval, M. Villarmi, Lord Bacon, and Rousseau. We will not dispute about it; for it seems quite clear to us, that if he succeeds in establishing it, he overturns his own theory. If men breed in proportion to their poverty, as he tells us here,—and at the same time breed in inverse proportion to their numbers, as he told us before, it necessarily follows, that the poverty of men must be in inverse proportion to their numbers. Inverse proportion, indeed, as we have shown, is not the phrase which expresses Mr Sadler's meaning. To speak more correctly, it follows from his two positions, that if one population be thinner than another, it will also be poorer. Is this the fact? Mr Sadler tells us, in one of those tables which we have already quoted, that in the United States, the population is four to a square mile, and the fecundity 5.22 to a marriage, and that in Russia the population is twenty-three to a square mile, and the fecundity 4.94 to a marriage. Is the North American labourer poorer than the Russian boor? If not, what becomes of Mr Sadler's argument?

The most decisive proof of Mr Sadler's theory, according to him, is that which he has kept for the last. It is derived from the registers of the English Peerage. The Peers, he says, and says truly, are the class with respect to whom we possess the most accurate statistical information.

'Touching their *number*, this has been accurately known and recorded ever since the order has existed in the country. For several centuries past, the addition to it of a single individual has been a matter of public interest and notoriety: this hereditary honour, conferring not personal dignity merely, but important privileges, and being almost always identified with great wealth and influence. The records relating to it are kept with the most scrupulous attention, not only by heirs and expectants, but they are appealed to by more distant connexions, as conferring distinction on all who can claim such affinity. Hence there are few disputes concerning successions to this rank, but such as go back to very remote periods. In later times, the marriages, births, and deaths, of the nobility, have not only been registered by and known to those personally interested, but have been published periodically, and, consequently, subject to perpetual correction and revision; while many of the most powerful motives which can influence the human mind conspire to preserve these records from the slightest falsification. Compared with these, therefore, all other registers, or reports, whether of "sworn searchers" or others, are incorrectness itself.'

Mr Sadler goes on to tell us that the Peers are a marrying class, and that their general longevity proves them to be a healthy class. Still peerages often become extinct;—and from this fact he infers, that they are a sterile class. So far, says he, from

increasing in geometrical progression, they do not even keep up their numbers. 'Nature interdicts their increase.'

'Thus,' says he, 'in all ages of the world, and in every nation of it, have the highest ranks of the community been the most sterile, and the lowest the most prolific. As it respects our own country, from the lowest grade of society, the Irish peasant, to the highest, the British peer, this remains a conspicuous truth; and the regulation of the degree of fecundity conformably to this principle, through the intermediate gradations of society, constitutes one of the features of the system developed in these pages.'

We take the issue which Mr Sadler has himself offered. We agree with him, that the registers of the English Peerage are of far higher authority than any other statistical documents. We are content that by those registers his principle should be judged. And we meet him by positively denying his facts. We assert, that the English nobles are not only not a sterile, but an eminently prolific, part of the community. Mr Sadler concludes, that they are sterile, merely because peerages often become extinct. Is this the proper way of ascertaining the point? Is it thus that he avails himself of those registers, on the accuracy and fulness of which he descants so largely? Surely his right course would have been to count the marriages, and the number of births, in the Peerage. This he has not done;—but we have done it. And what is the result?

It appears from the last edition of Debrett's *Peerage*, published in 1828, that there were at that time 287 peers of the United Kingdom, who had been married once or oftener. The whole number of marriages contracted by these 287 peers was 333. The number of children by these marriages was 1437,—more than five to a peer,—more than 4.3 to a marriage,—more, that is to say, than the average number in those counties of England, in which, according to Mr Sadler's own statement, the fecundity is the greatest.

But this is not all. These marriages had not, in 1828, produced their full effect. Some of them had been very lately contracted. In a very large proportion of them there was every probability of additional issue. To allow for this probability, we may safely add one to the average which we have already obtained, and rate the fecundity of a noble marriage in England at 5.3;—higher than the fecundity which Mr Sadler assigns to the people of the United States. Even if we do not make this allowance, the average fecundity of the marriages of peers is higher by one-fifth than the average fecundity of marriages throughout the kingdom. And this is the sterile class! This

is the class which 'nature has interdicted from increasing !' The evidence to which Mr Sadler has himself appealed proves that his principle is false,—utterly false,—wildly and extravagantly false. It proves that a class, living during half of every year in the most crowded population in the world, breeds faster than those who live in the country,—that the class which enjoys the greatest degree of luxury and ease, breeds faster than the class which undergoes labour and privation. To talk a little in Mr Sadler's style, we must own that we are ourselves surprised at the results which our examination of the peerage has brought out. We certainly should have thought that the habits of fashionable life, and long residence even in the most airy parts of so great a city as London, would have been more unfavourable to the fecundity of the higher orders than they appear to be.

Peerages, it is true, often become extinct. But it is quite clear from what we have stated, that this is not because peeresses are barren. There is no difficulty in discovering what the causes really are. In the first place, most of the titles of our nobles are limited to heirs male ; so that, though the average fecundity of a noble marriage is upwards of 5, yet, for the purpose of keeping up a peerage, it cannot be reckoned at much more than $2\frac{1}{2}$. Secondly, though the peers are, as Mr Sadler says, a marrying class, the younger sons of peers are decidedly not a marrying class ; so that a peer, though he has at least as great a chance of having a son as his neighbours, has less chance than they of having a collateral heir.

We have now disposed, we think, of Mr Sadler's principle of population. Our readers must, by this time, be pretty well satisfied as to his qualifications for setting up theories of his own. We will, therefore, present them with a few instances of the skill and fairness which he shows when he undertakes to pull down the theories of other men. The doctrine of Mr Malthus, that population, if not checked by want, by vice, by excessive mortality, or by the prudent self-denial of individuals, would increase in a geometric progression, is, in Mr Sadler's opinion, at once false and atrocious.

'It may at once be denied,' says he, 'that human increase proceeds geometrically ; and for this simple but decisive reason, that the existence of a geometrical ratio of increase in the works of nature, is neither true nor possible. It would fling into utter confusion all order, time, magnitude, and space.'

This is as curious a specimen of reasoning as any that has been offered to the world since the days when theories were founded on the principle that nature abhors a vacuum. We proceed a few pages farther, however ; and we then find that geo-

metric progression is unnatural only in those cases in which Mr Malthus conceives that it exists; and that in all cases in which Mr Malthus denies the existence of a geometric ratio, nature changes sides, and adopts that ratio as the rule of increase.

Mr Malthus holds that subsistence will increase only in an arithmetical ratio. 'As far as nature has to do with the question,' says Mr Sadler, 'men might, for instance, plant twice the number of peas, and breed from a double number of the same animals, with equal prospect of their multiplication.' Now, if Mr Sadler thinks that, as far as nature is concerned, four sheep will double as fast as two, and eight as fast as four, how can he deny that the geometrical ratio of increase does exist in the works of nature? Or has he a definition of his own for geometrical progression, as well as for inverse proportion?

Mr Malthus, and those who agree with him, have generally referred to the United States, as a country in which the human race increases in a geometrical ratio, and have fixed on twenty-five years as the term in which the population of that country doubles itself. Mr Sadler contends that it is physically impossible for a people to double in twenty-five years; nay, that thirty-five years is far too short a period,—that the Americans do not double by procreation in less than forty-seven years,—and that the rapid increase of their numbers is produced by emigration from Europe.

Emigration has certainly had some effect in increasing the population of the United States. But so great has the rate of that increase been, that after making full allowance for the effect of emigration, there will be a residue, attributable to procreation alone, amply sufficient to double the population in twenty-five years.

Mr Sadler states the results of the four censuses as follows:

'There were, of white inhabitants, in the whole of the United States in 1790, 3,093,111; in 1800, 4,309,656; in 1810, 5,862,093; and in 1820, 7,861,710. The increase, in the first term, being 39 per cent; that in the second, 36 per cent; and that in the third and last, 33 per cent. It is superfluous to say, that it is utterly impossible to deduce the geometric theory of human increase, whatever be the period of duplication, from such terms as these.'

Mr Sadler is a bad arithmetician. The increase in the last term is not, as he states it, 33 per cent, but more than 34 per cent. Now, an increase of 32 per cent in ten years, is more than sufficient to double the population in twenty-five years. And there is, we think, very strong reason to believe that the white population of the United States does increase by 32 per cent every ten years.

Our reason is this: There is in the United States a class of persons whose numbers are not increased by emigration,—the negro slaves. During the interval which elapsed between the census of 1810 and the census of 1820, the change in their numbers must have been produced by procreation, and by procreation alone. Their situation, though much happier than that of the wretched beings who cultivate the sugar plantations of Trinidad and Demerara, cannot be supposed to be more favourable to health and fecundity than that of free labourers. In 1810, the slave trade had been but recently abolished, and there were in consequence many more male than female slaves,—a circumstance, of course, very unfavourable to procreation. Slaves are perpetually passing into the class of freemen; but no freeman ever descends into servitude; so that the census will not exhibit the whole effect of the procreation which really takes place.

We find by the census of 1810, that the number of slaves in the Union was then 1,191,000. In 1820, they had increased to 1,538,000. That is to say, in ten years, they had increased 29 per cent—within three per cent of that rate of increase which would double their numbers in twenty-five years. We may, we think, fairly calculate, that if the female slaves had been as numerous as the males, and if no manumissions had taken place, the census of the slave population would have exhibited an increase of 32 per cent in ten years.

If we are right in fixing on 32 per cent as the rate at which the white population of America increases by procreation in ten years, it will follow, that, during the last ten years of the eighteenth century, nearly one-sixth of the increase was the effect of emigration; from 1800 to 1810, about one-ninth; and from 1810 to 1820, about one-seventeenth. This is what we should have expected; for it is clear that, unless the number of emigrants be constantly increasing, it must, as compared with the resident population, be relatively decreasing. The number of persons added to the population of the United States by emigration, between 1810 and 1820, would be nearly 120,000. From the data furnished by Mr Sadler himself, we should be inclined to think that this would be a fair estimate.

‘Dr Seybert says, that the passengers to ten of the principal ports of the United States, in the year 1817, amounted to 22,235; of whom 11,977 were from Great Britain and Ireland; 4164 from Germany and Holland; 1245 from France; 58 from Italy; 2901 from the British possessions in North America; 1569 from the West Indies; and from all other countries, 321. These, however, we may conclude, with the editor of Styles’s Register, were far short of the number that arrived.’

We have not the honour of knowing either Dr Seybert or the

metric progression is unnatural only in those cases in which Malthus conceives that it exists; and that in all cases Mr Malthus denies the existence of a geometric ratio. He changes sides, and adopts that ratio as the rule of increase.

Mr Malthus holds that subsistence will increase in an arithmetical ratio. 'As far as nature has to do with the increase of the human population,' says Mr Sadler, 'men might, for instance, breed from a double number of peas, and breed from a double number of animals, with equal prospect of their multiplying. If Mr Sadler thinks that, as far as nature is concerned, the population will double as fast as two, and eight as fast as four, he deny that the geometrical ratio of increase is the rule of the works of nature? Or has he a definition of the geometrical progression, as well as for the arithmetical progression?' Mr Malthus, and those who agree with him, referred to the United States, as a country in which the population increases in a geometrical ratio, as it doubles in five years as the term in which the population doubles itself. Mr Sadler contends that it is impossible for a people to double in twenty-five years, and that thirty-five years is far too short a period for the population to double. He does not double by procreation in less than fifty years, and that the rapid increase of their population is due to emigration from Europe.

Mr Malthus, and those who agree with him, referred to the United States, as a country in which the population increases in a geometrical ratio, as it doubles in five years as the term in which the population doubles itself. Mr Sadler contends that it is impossible for a people to double in twenty-five years, and that thirty-five years is far too short a period for the population to double. He does not double by procreation in less than fifty years, and that the rapid increase of their population is due to emigration from Europe.

Emigration has certainly had a great effect on the population of the United States. It is true that increase has been, that after making allowance for emigration, there will be a residual increase, amply sufficient to double the population in twenty years.

Mr Sadler states the results of the following calculation:

'There were, of white inhabitants in 1790, 3,093,111; in 1800, 4,000,000; in 1820, 7,861,710. The increase in the second, 36 per cent; in the third, 36 per cent; in the fourth, 36 per cent. It is superfluous to say, that it is not possible to double the population in twenty years, by the geometric theory of human increase, from such terms as these.'

Mr Sadler is a bad arithmetician. He is not, as he states it, 33 years. Now, an increase of 32 per cent is sufficient to double the population in twenty years, if we think, very strongly, of the emigration of the United States. The whole increase in ten years.

Disproof of Human Superfecundity.

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tion from 1810 to 1820, was within a If we are to attribute to procrea- ber returned by the census persons to account for the emigrants who and the census of there, would

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ssary in the g on facts derstand the a proposition of the proposition ries to prove, leads ne represents as im- the very documents to be demonstrated that his resume the subject when while, we hope that he will de- learned a little arithmetic, and quence.

Richard Bentley, D.D. Master of Tri-
egius Professor of Divinity in the University
with an Account of his Writings, and Anecdotes
ished Characters during the period in which he
by JAMES HENRY MONK, D.D. Dean of Peter-
sto. London: 1830.

story of classical learning in England, where classical
ing has long flourished, and where we trust it will long
e to flourish,* the most conspicuous name is that of Ri-
Bentley, who was indeed one of the most prominent
acters of the age to which he belonged; he was equally dis-
guished for the vigour of his intellect, the extent of his eru-
ition, and the decision of his conduct. His life was long and
active, and certainly was not spent in an even tenor; it was

* 'Nulli sunt hostes eruditionis, nisi ineruditi, qui fumos suos, licet
'videantur dissipare, non nisi suæ sortis hominibus possunt venditare.'
(Grævii Præf. in Bern. Ferrarium de Ritu sacrarum Ecclesiæ veteris Con-
cionum, p. iii. Ultraj. 1692, 8vo.)

editor of *Styles's Register*. We cannot, therefore, decide on their respective claims to our confidence so peremptorily as Mr Sadler thinks fit to do. Nor can we agree to what Mr Sadler very gravely assigns as a reason for disbelieving Dr Seybert's testimony. 'Such accounts,' he says, 'if not wilfully exaggerated, must always fall short of the truth.' It would be a curious question of casuistry to determine what a man ought to do in a case in which he cannot tell the truth except by being guilty of wilful exaggeration. We will, however, suppose, with Mr Sadler, that Dr Seybert, finding himself compelled to choose between two sins, preferred telling a falsehood to exaggerating; and that he has consequently underrated the number of emigrants. We will take it at double of the Doctor's estimate, and suppose that in 1817, 45,000 Europeans crossed to the United States. Now, it must be remembered, that the year 1817 was a year of the severest and most general distress over all Europe, —a year of scarcity everywhere, and of cruel famine in some places. There can, therefore, be no doubt that the emigration of 1817 was very far above the average, probably more than three times that of an ordinary year. Till the year 1815, the war rendered it almost impossible to emigrate to the United States either from England or from the Continent. If we suppose the average emigration of the remaining years to have been 16,000, we shall probably not be much mistaken. In 1818 and 1819, the number was certainly much beyond that average; in 1815 and 1816, probably much below it. But even if we were to suppose that in every year from the peace to 1820, the number of emigrants had been as high as we have supposed it to be in 1817, the increase by procreation among the white inhabitants of the United States would still appear to be about 30 per cent in ten years.

Mr Sadler acknowledges that Cobbett exaggerates the number of emigrants, when he states it at 150,000 a-year. Yet even this estimate, absurdly great as it is, would not be sufficient to explain the increase of the population of the United States on Mr Sadler's principles. He is, he tells us, 'convinced that doubling in 35 years is a far more rapid duplication than ever has taken place in that country from procreation only.' An increase of 20 per cent in ten years, by procreation, would therefore be the very utmost that he would allow to be possible. We have already shown, by reference to the census of the slave population, that this doctrine is quite absurd. And, if we suppose it to be sound, we shall be driven to the conclusion, that above eight hundred thousand people emigrated from Europe to the United States in a space of little more than five years. The whole in-

crease of the white population from 1810 to 1820, was within a few hundreds of 2,000,000. If we are to attribute to procreation only 20 per cent on the number returned by the census of 1810, we shall have about 830,000 persons to account for in some other way;—and to suppose that the emigrants who went to America between the peace of 1815 and the census of 1820, with the children who were born to them there, would make up that number, would be the height of absurdity.

We could say much more; but we think it quite unnecessary at present. We have shown that Mr Sadler is careless in the collection of facts,—that he is incapable of reasoning on facts when he has collected them,—that he does not understand the simplest terms of science,—that he has enounced a proposition of which he does not know the meaning,—that the proposition which he means to enounce, and which he tries to prove, leads directly to all those consequences which he represents as impious and immoral,—and that, from the very documents to which he has himself appealed, it may be demonstrated that his theory is false. We may, perhaps, resume the subject when his next volume appears. Meanwhile, we hope that he will delay its publication until he has learned a little arithmetic, and unlearned a great deal of eloquence.

ART. II.—*The Life of Richard Bentley, D.D. Master of Trinity College, and Regius Professor of Divinity in the University of Cambridge: with an Account of his Writings, and Anecdotes of many distinguished Characters during the period in which he flourished.* By JAMES HENRY MONK, D.D. Dean of Peterborough. 4to. London: 1830.

IN the history of classical learning in England, where classical learning has long flourished, and where we trust it will long continue to flourish,* the most conspicuous name is that of Richard Bentley, who was indeed one of the most prominent characters of the age to which he belonged; he was equally distinguished for the vigour of his intellect, the extent of his erudition, and the decision of his conduct. His life was long and active, and certainly was not spent in an even tenor; it was

* 'Nulli sunt hostes eruditionis, nisi ineruditi, qui fumos suos, licet videantur dissipare, non nisi suæ sortis hominibus possunt venditare.' (Grævii Pref. in Bern. Ferrarium de Ritu sacrarum Ecclesiæ veteris Concionum, p. iii. Ultraj. 1692, 8vo.)

spent in such a manner, that his natural element appears to have been the element of strife and contention. His literary controversies, not few in number, were conducted with much ferocity; nor was his name more familiarly known in the classical haunts of the Muses, than in the unclassical Court of King's Bench. Of this most learned and pugnacious individual, no ample and satisfactory account had hitherto appeared; and the task of recording the events of his personal and literary history, was very laudably undertaken by Dr Monk, who has cultivated similar studies, and who was lately a fellow of the college over which Bentley presided for the space of forty-two years. Many of the continental scholars may perhaps regret that his life was not written in the general language of the learned; but those who are acquainted with such excellent models as the life of Hemsterhusius, written by Ruhnkenius, and the life of Ruhnkenius, written by Wytttenbach, would not easily have been satisfied with the execution of a similar task. The *Elogium Tiberii Hemsterhusii* is composed with a degree of purity and elegance that is scarcely surpassed in the entire compass of modern Latinity; nor can it be affirmed that the *Vita Davidis Ruhnkenii* is unworthy of the subject, or of an author who had been trained in so excellent a school of philology.* But the slang of an English university, and all the proceedings in an English lawsuit, could not be exhibited with much grace in a Latin narrative; nor would foreigners feel much interest in some of the ample details for which we are indebted to the industry of Dr Monk. We are however far from asserting that his details, copious as they are, appear tedious or uninteresting to us: some of them are not a little curious in themselves, and they relate to a very singular personage. To the records of his college and university, the author had the most direct and easy access; and in examining the numerous publications of which Bentley was the subject or the author, he appears to have exercised a considerable degree of diligence.

* Wytttenbach's Latinity is not so unexceptionable as that of his preceptor and friend. He is too much inclined to introduce poetical phraseology, and he occasionally uses an unauthorized expression. To this class we refer such phrases as the following: "ut cum poeta loquar," "ut cum Tullio loquar." (*Vita Ruhnkenii*: Opuscula, tom i. p. 590, 548. Lugd. Bat. 1821, 2 tom. 8vo.) Similar phrases are of very frequent occurrence in modern writers, but we entertain strong doubts of their being justified by the authority of the ancients. Sir George Baker, one of the Cambridge classics, speaks in the same manner: "ut cum optimo Sydenhamo loquar." (*Opuscula Medica*, p. 137, edit. Lond. 1771, 8vo.)

His object, as he states in the preface, 'may be considered [as] threefold : first, to give a full and impartial view of Bentley's life and character ; secondly, a sketch of literary history during the period in which he flourished ; and, thirdly, an account of what is worthy of notice in the annals of the college and university, for the first forty years of the eighteenth century.' Such a work, it is evident, must be most interesting to those who are connected with the University of Cambridge ; but it is not without its attractions to those who feel any strong interest in the general history of literature. The name of Bentley, which occupies a very prominent place in the works of Pope, Swift, and other contemporary satirists, is familiarly known to multitudes who have no knowledge of his writings, or of his real character ; and we may perhaps be considered as not unsuitably employed, if we attempt to exhibit a rapid sketch of his personal and literary history. Of the publication now before us, the text extends to no fewer than 668 pages, and these are succeeded by an appendix of 64 pages.

Richard Bentley, a native of Oulton in the parish of Rothwell and the West Riding of Yorkshire, was born on the 27th of January 1662. His lineage was neither so high nor so low as it has sometimes been represented : his 'progenitors were of that respectable class which has supplied every profession with many of its brightest ornaments, the higher description of English yeomen.' During the civil wars, his grandfather, James Bentley, had been a captain in the royal army, and having fallen into the hands of the enemy, he ended his life as a prisoner in Pontefract Castle. His father, Thomas Bentley, who was the possessor of a small estate at Woodlesford, married, as his second wife, Sarah, the daughter of Richard Willie, a stonemason at Oulton ; and their first child was the individual who afterwards rendered the family illustrious. For the first elements even of classical learning, he is said to have been indebted to his mother, who is described as a woman of an excellent understanding. After having been a day-scholar at the neighbouring hamlet of Methley, he was sent to the grammar-school of Wakefield, where John Potter, afterwards Archbishop of Canterbury, likewise received his early education. On the 24th of May 1676, he was entered as a subsizar of St John's College, which was then the largest in the University of Cambridge : his tutor was Joseph Johnston, and the master of the college Dr Francis Turner, afterwards Bishop of Ely. Of the peculiar direction of his academical studies, no record has been preserved : that he cultivated classical learning with great energy and perseverance, cannot well be doubted ; and his biographer

is led to infer, that he was far from neglecting the mathematical sciences. We are reminded that the academical prizes which now serve to stimulate the exertions of students, had at that period no existence; but it is also necessary to recollect, that a mind constituted like that of Bentley required no stimulus of this ordinary nature. Youthful genius, when it enters upon its proper career, proceeds with an impulse that seems to be instinctive; and not unfrequently it nourishes a secret contempt for all those objects which are most attractive to minds of a secondary mould. Bentley, who was never oppressed with any distrust of his own powers or attainments, must speedily have felt a consciousness of superiority over all his classical instructors; and, like every other scholar who makes any bold excursions beyond the common limits, he must to a great extent have been his own preceptor.

Having continued at college for upwards of two years, he became a scholar on the foundation of Dr Dowman; and at the expiration of the third year, he succeeded to one of the Yorkshire scholarships, founded by Sir Marmaduke Constable. At the regular period, he commenced bachelor of arts, 'in company with a greater number of students than have ever since taken their degree at the same time, till the last two or three years.' In the list of honours, his place corresponds with that of third wrangler, according to the present distribution. From a fellowship of his college he was excluded by a provision in the statutes, which prohibited more than two fellows from being chosen from the same county. He was however appointed head-master of the grammar school of Spalding in Lincolnshire: the nomination to this office had lapsed to the college; and, as his biographer remarks, the commission of so important a trust to a youth who had only completed the twentieth year of his age, is not merely a testimony of his scholarship, but implies an opinion favourable to his general character. On attaining the age of majority, he disposed of his interest in the Oulton property to his brother James, the issue of their father's first marriage; and the money thus procured he devoted to the purchase of books, which are not less necessary to a scholar than tools to a carpenter. Bentley did not long retain the functions of a schoolmaster; for, after an interval of about twelve months, he became domestic tutor to the son of Dr Stillingfleet, dean of St Paul's, who had formerly been a fellow of St John's College. This situation was more favourable to the cultivation of his talents, and to his views of advancement in the clerical profession. Stillingfleet was himself a man of a large capacity, and was eminently distinguished by the extent and variety of his learning; he was

skilled in philology, history, divinity, and even in jurisprudence: he was one of the most able and zealous champions of the church of England at an alarming crisis; but he appeared to less advantage in his philosophical contest with Locke, relating to subjects of which he had not attained to the same masterly knowledge. He was, besides, a person of an amiable disposition; and as his house was frequented by many eminent characters in the church and state, Bentley enjoyed new opportunities of enlarging the sphere of his observation; but he probably reckoned it a still greater advantage that 'he here enjoyed the use of one of 'the best private libraries in the world.' Along with this preferment, the dean held the rectory of St Andrew's, Holborn, and he chiefly resided in London. Bentley took the degree of master of arts in the month of July 1683, and his personal connexion with the university of Cambridge was afterwards discontinued for the space of seventeen years. In the meantime, he prosecuted his studies with great ardour and success: his favourite pursuits were evidently those of classical philology, but he did not neglect the study of the Oriental languages. Soon after the Revolution, the eminent merits of Dr Stillingfleet were rewarded with the bishopric of Worcester; and about the same period he sent his son James to the University of Oxford, where both he and his tutor became members of Wadham College. Bentley was incorporated master of arts on the fourth of July 1689. He lived on terms of intimacy with some of the most learned members of the university, particularly Humphrey Hody, fellow and tutor of Wadham, and afterwards professor of Greek, Dr Bernard, Savilian professor of astronomy, who with his skill in the exact sciences united a profound knowledge of ancient literature, and Dr Mill, principal of St Edmund's Hall, who is well known as the editor of the Greek Testament. But one of the chief attractions of the place was the Bodleian Library, with its copious stores of classical manuscripts. These he appears to have consulted with great diligence; and, among other proofs of his industry, we find that he collated three manuscripts of Hephaestion, an author to whom his attention was necessarily directed, in consequence of his early and deep researches on ancient metre. In the ardour of his youthful ambition, he projected editions of Greek grammarians and of Latin poets; he indeed pursued a course of study which gradually prepared him for any department of classical enterprise. The project which he now contemplated as the foundation of his fame, was a complete collection of the fragments of the Greek poets; an undertaking, as Dr Monk remarks, 'the magnitude and difficulty of 'which those only can appreciate, who have ever endeavoured

‘to collect the quotations of any one poet, scattered through the whole range of classical authors, as well as of grammarians, scholiasts, and lexicographers.’ This project he never executed; but of his competency for such a task, he has left sufficient evidence in his collection of the fragments of Callimachus, afterwards communicated to Graevius. At the suggestion, as is supposed, of the very learned Bishop Lloyd, he undertook the stupendous task of publishing a complete edition of the Greek lexicographers: three volumes in folio were destined for Hesychius, Suidas, and the Etymologicon Magnum, to be printed in corresponding columns; and a fourth volume was reserved for Julius Pollux, and for other writers of smaller note. But where so much is attempted, little will often be accomplished: the general design, which was too vast to be properly executed by one individual, appears to have been abandoned after a short interval; and it is much to be regretted that he did not at least publish an edition of Hesychius, an author in whom he professes to have made upwards of five thousand corrections. Of his familiarity with this lexicographer, he exhibited a sufficient specimen in his earliest publication, his *Epistola ad cl. v. Joannem Millium, S.T.P.*, subjoined to Dr Hody’s edition of the chronicle of Joannes Malela Antiochenus, which was printed at Oxford in the year 1691. ‘The various and accurate learning, and the astonishing sagacity displayed in the Epistle to Mill, attracted the attention of every person capable of judging upon such subjects. The originality of Bentley’s style, the boldness of his opinions, and his secure reliance upon unfailing stores of learning, all marked him out as a scholar to be ranked with Scaliger, Casaubon, and Gataker.’ And thus, at the age of twenty-nine, he laid the foundation of a high reputation among men of learning.

His next appearance before the public was in the character of a divine. He had received deacon’s orders from Compton, Bishop of London, in the year 1690, and soon afterwards had been appointed one of the Bishop of Worcester’s chaplains. In the year 1692, the four trustees, one of whom was Evelyn, honoured him with the first nomination to Boyle’s lectureship. The eight discourses which he preached in consequence of this appointment, embrace a confutation of atheism: they are in a great degree directed against the principles of Hobbes and Spinoza, which have too certain a tendency to atheism, although they are not professedly atheistical; and, according to his biographer, Bentley claims the undoubted merit of having been the first to display the discoveries of Newton in a popular form, and to ex-

plain their irresistible force in the proof of a Deity.* Before he ventured to print his Lectures, he consulted this great philosopher respecting some of the arguments which he had founded upon those discoveries; and his different queries were answered in four letters, which were afterwards communicated to the public by Bentley's grandson, Richard Cumberland.† His reputation as a man of talents and learning was greatly augmented by the publication of his Lectures; of which the sixth edition, including other three discourses, was printed at Cambridge in the year 1735. The Lectures were translated into Latin by Jablonski, who was himself a writer of distinguished learning.‡ Nor did the merit of the author remain without its reward: in 1699, soon after he had taken priest's orders, he obtained a prebend in the cathedral of Worcester; and in the course of the following year, he succeeded Henry de Justel as keeper of the king's library.

In 1694 he was again appointed to preach the Boyle Lectures, and he then selected as their subject the defence of Christianity against infidels; but this series of discourses his friends could not prevail upon him to publish, nor has it been ascertained that the manuscript is still preserved. He had now made great progress in preparing editions of Manilius and Philostratus; and he appears to have been chiefly deterred from sending them to the press, by the increased expense of paper and printing in England. He was induced, by the cheapness of German typography, to adopt the plan of printing his edition of the Greek sophist at Leipzig, and there one sheet was actually printed as a specimen; but he was disgusted with the meanness of its appearance, and resolved that his learned animadversions should

* In a preface manifestly written by himself, the merits of Bentley are thus proclaimed: 'Was not he the first that discovered the unknown use of the excellent Sir Isaac Newton's *Principia Mathematica*, and successfully applied that theory to demonstrate the being of God? Have not all the writers upon that subject copied after his Boyle's Lectures? And have not the atheists been silent since that time, and sheltered themselves under deism?' (*Present State of Trinity College in Cambridge*. Lond. 1710, 8vo.)

† Four Letters from Sir Isaac Newton to Doctor Bentley, containing some Arguments in proof of a Deity. Lond. 1756, 8vo.—The first letter commences with this paragraph: 'When I wrote my treatise about our system, I had an eye upon such principles as might work with considering men, for the belief of a Deity, and nothing can rejoice me more than to find it useful for that purpose. But if I have done the public any service this way, it is due to nothing but industry and patient thought.'

‡ Berolini, 1696, 8vo.

not be exhibited in so unsuitable a dress. 'It may be remarked,' says Dr Monk, 'that Bentley always placed a high value upon typographical elegance, and was more fastidious upon this head, than might have been expected from one who so well understood the intrinsic merits of a book.' In this respect however we are more inclined to commend than to censure his taste: the elegance of typography is in most cases a very harmless luxury; nor do we perceive any difficulty in supposing that a competent judge of good printing may also be a competent judge of good writing. It was in a great measure owing to his zeal and perseverance that the university-press at Cambridge was again placed upon a creditable footing: it had continued in a declining state since the time of the civil wars; and a sufficient sum having been raised for defraying the expense of new buildings, new presses, and new types, the charge of providing types was solely intrusted to him. We are expressly informed that the subscriptions were principally procured by his exertions. The types were cast in Holland; and some well-known books which afterwards issued from that press, particularly Taylor's *Demosthenes*, Kuster's *Suidas*, and Talbot's *Horace*, afford sufficient evidence of the commission having been placed in proper hands. In the year 1695, his patron the Bishop of Worcester gave him the rectory of Hartlebury, to be held till his old pupil should arrive at the canonical age. This preferment he retained for the space of three years. The interest of the same worthy prelate had, about this period, procured him the nomination of chaplain in ordinary to the king. It must be recorded as an instance of scandalous ingratitude, that, when the bishop's grandson Benjamin Stillingfleet was left an orphan, and was sent in the humble capacity of a sizar to Trinity College, Bentley refused to give him a fellowship, and preferred several competitors of inferior attainments. At the beginning of the year 1696, he ceased to reside in the bishop's house in Park Street, Westminster, and took possession of the librarian's apartments in St James's Palace; and in the month of July he took the degree of doctor of divinity at Cambridge. He was appointed to preach the commencement-sermon, and the subject which he selected was that 'Of Revelation and the Messiah;' a subject which he has treated in a manner not unworthy of his reputation.

Dr Bentley was now making a rapid approach to the full height of his literary fame; and his principal efforts were more the result of accidental excitements, than of his own deliberate plans. In the year 1692, Sir William Temple, one of the most fashionable writers of the age, had published an *Essay upon the Ancient and Modern Learning*, in which he strenuously opposed

the opinions of Fontenelle and Perrault, who had given a very decided preference to the moderns. But his own learning was inadequate to so serious an undertaking, and his commendation of the ancients is therefore of very doubtful value. Of his mode of estimating the merit of modern writers, it has been justly mentioned as a curious specimen, that the names of Shakspeare, Milton, Bacon, and Newton, have not found a place in his essay. In confirmation of his position, that the oldest books extant are still the best of their kind, he produces the Fables of Æsop and the Epistles of Phalaris, which he believed to be the most ancient pieces of prose written by profane authors. And in reference to the work which bears the name of the ancient tyrant, he is pleased to remark, 'I think he must have little skill in painting, that cannot find out this to be an original.' The attention thus directed to Phalaris seems to have suggested the expediency of a new edition. Dr Aldrich, the learned dean of Christ Church, Oxford, was accustomed to employ some of his best scholars in preparing editions of classical works; and of these publications, which were generally of a moderate compass, it was his practice to present a copy to every young man in his college. The task of editing the Epistles of Phalaris was committed to the Hon. Charles Boyle, brother to the Earl of Orrery; a young gentleman of pleasing manners, and of a relish for learning creditable to his age and rank. He had profited by the tuition of Dr Gale, the dean of York, who had long cultivated Grecian literature; and on his admission at Christ Church, he was placed under the tuition of Atterbury, who, if not a profound, was at least an elegant scholar. In his editorial labours he was aided by his private tutor John Freind, then one of the junior students, and afterwards a physician of no small celebrity. Foulkes and Freind were the conjunct editors of the two orations of Æschines and Demosthenes. The editor of Phalaris wished to procure a collation of a manuscript belonging to the royal library; but, instead of making any direct application to the librarian, he had recourse to the agency of Thomas Bennet, a bookseller in St Paul's Churchyard, who appears to have executed his commission with no extraordinary degree of zeal or despatch. In order to conceal his own negligence, he is supposed to have misrepresented the entire transaction to his employers at Oxford; and the preface to Mr Boyle's edition of Phalaris, published in the year 1695, contains a sarcastic reflection on Bentley for his want of civility.* To the editor he im-

* 'Collatas etiam curavi usque ad Epist. 40 cum MS^o. in Bibliotheca Regia, cujus mihi copiam ulteriorem Bibliothecarius pro singulari sua
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mediately addressed a letter, explaining the real circumstances of the case; but instead of receiving an answer in the spirit of conciliation, he was given to understand that he might seek his redress in any way he pleased. It is however dangerous to take a lion by the beard.

Dr Wotton, his friend and fellow-collegian, had recently engaged in the controversy respecting the comparative excellence of the ancients and moderns; and after he had sent to the press his *Reflections upon Ancient and Modern Learning*, Bentley happened to state, in the course of their conversation, and in reference to the extravagant commendation bestowed by Sir William Temple, 'that the Epistles of Phalaris are spurious, and that we have nothing now extant of Æsop's own composing.' This casual remark was converted into a promise that he would furnish a written statement of his opinion, to be added to the second edition of the *Reflections*. To the second edition, which appeared in 1697, was accordingly subjoined Dr Bentley's *Dissertation upon the Epistles of Phalaris, Themistocles, Socrates, Euripides, and others, and the Fables of Æsop*. Of the spuriousness of all the productions thus enumerated, his demonstration is by every competent judge admitted to be very complete; but his most vigorous efforts are directed against the Epistles of Phalaris. After having produced the chronological proofs of their spurious origin, he considers the language, and next the matter, of the Epistles, and concludes with an argument drawn from what he calls their late appearance in the world.* This work certainly betrays some symptoms of hasty composition; but the number of mistakes or oversights which his adversaries were capable of detecting, was surprisingly small. The entire disputation is managed with great learning, and with sagacity not inferior to his learning. Of the Oxford edition of Phalaris, the errors are exposed with very little ceremony; though we are by no means persuaded that such a degree of severity was 'unusual at that time in classical criticism.' Classical critics, that is, critics who have illustrated the ancient classics, have at all times been amply provided with terms of

'humanitate negavit.' A member of Christ Church ought not to have employed such a word as *Bibliothecarius*. See Cellarii *Cura Posteriorum*, p. 348.

* Sir William Temple appears to have been deeply offended with the manner in which Bentley treated his opinion of Phalaris and Æsop. The following extract is from one of his private letters: 'Having no mind to enter the lists with such a mean, dull, unmannerly pedant.' (*Short Account of Dr Bentley's Humanity and Justice*, p. 140.)

vituperation, and very many of them have scattered those terms with an unsparing hand. Of those who appeared soon after the revival of letters, some abused each other without reserve, and without decency; the most opprobrious epithets were ready to drop from their learned pens on the most trivial occasions. During the more mature age of modern erudition, we meet with innumerable instances of fierce and virulent invective. The example of Scioppius is not perhaps worthy of notice: he had renounced his religion in order to advance his interest; and with the view of recommending himself to his new patrons, he scattered his unprincipled abuse on the most eminent scholars among the Protestants. Joseph Scaliger, whom we regard as the greatest scholar of modern times, and against whom Scioppius directed his most gross abuse, was himself no mean proficient in the language of downright scurrility; and his successor Salmasius, if somewhat inferior in erudition, was by no means inferior in the power of overwhelming his antagonists with a torrent of obloquy and contempt. Casaubon and the elder Gronovius distinguished themselves by a regard for the decencies of the literary character; but the younger Gronovius, who was contemporary with Bentley, betrayed during the whole of his career a spirit very unlike that of his respectable father. This bitterness of animadversion was in fact so customary, that it seemed to be almost considered as the appropriate language of criticism.

‘On the publication of this joint work, the sensation in the literary and academical circles was without example. In the large and distinguished society of Christ Church, a perfect ferment was produced by Bentley’s attack upon Boyle’s *Phalaris*, which was considered an affront to the Dean under whose auspices it was published, and the college for whose use it was designed: and the mention of “the editors,” “the translators,” &c. in the plural number, seemed a reflection upon the whole society, as if they were answerable for the faults of a juvenile publication. It was resolved accordingly, that the audacious offender should experience the full resentment of the body whom he had provoked: and the task of inflicting this public chastisement devolved upon the ablest scholars and wits of the college. The leaders of the confederacy were Francis Atterbury and George Smalridge, both of them in process of time members of the episcopal bench: the first of whom has associated his name with the political history of this country in a degree which has seldom been the lot of a churchman. Each was nearly of the same age as Bentley; and they were regarded [as] the rising lights of the University of Oxford. A share in the association for the demolition of our critic, is claimed for Robert Freind, afterwards head-master of Westminster school, his brother John Freind, and Anthony Alsop, all students of Christ Church; and the work was undertaken with the encouragement, but not with the assist-

ance, of the Dean. * * * * The principal share in the undertaking fell to the lot of Atterbury: this was suspected at the time, and has been since placed beyond all doubt by the publication of a letter of his to Boyle, in which he mentions, that "in writing more than half the book, in reviewing a good part of the rest, and in transcribing the whole, half a year of his life had passed away." * The main part of the discussion upon Phalaris is from his pen: that upon Æsop was believed to be written by John Freind; and he was probably assisted in it by Alsop, who was at that very time engaged on an edition of the Fables. But the respective shares cannot be fixed with certainty; nor is this a matter of importance, since Atterbury, by his own confession, made himself responsible for the faults of the whole.—P. 67–69.

Bentley's disquisition on the Fables of Æsop is not considered as the most unexceptionable part of his performance;† but any

* Dr Monk has given no particular reference for this passage, and has quoted it very inaccurately: 'In laying the design of the book, in writing about half of it, in reviewing a good part of the rest, in transcribing the whole, and attending the press, half a year of my life went away.' (Atterbury's *Epistolary Correspondence*, vol. ii. p. 21.)

† Walter Burley presents us with the following curious account of Æsop: 'Esopus adelphus poeta claruit tempore Cyri regis Persarum. Fuit autem Grecus de civitate Attica; vir ingeniosus et prudens, qui confinxit fabulas elegantes, quas Romulus postmodum de Greco transtulit in Latinum: in quibus docet quid observare debent homines; et, ut vitam hominum ostendat et mores, inducit aves, arbores, bestiasque loquentes, pro probanda cujuslibet fabula: quas qui diligenter inspexit, inveniet joca apposita, quæ et risus misceant, et ingenium acuant.' (Burlæus *de Vita et Moribus Philosophorum et Poetarum*, cap. xxiv.) The history of Æsop is involved in the utmost obscurity. A critical account of his life has however been written by Mezeriac, whose *Vie d'Esop*, which Dr Bentley had never seen, is reprinted with the learned author's *Commentaires sur les Epistres d'Ovide*. Haye, 1716, 2 tom. 8vo. With respect to the genuineness of the Fables ascribed to Æsop, he expresses some doubt: 'Je n'asseure pas pourtant, que celles que Planudes a publiées, soient les mesmes qu'Æsope avoit escrites; tant parce que Planudes nous a donné trop de sujets de douter de sa foy, qu'à cause qu'en son recueil il a obmises plusieurs fables que des anciens et graves auteurs attribuent à Æsope.' P. 68. Vavassor was of opinion that the work was entirely composed by Planudes, but that this monk must have gleaned, from tradition as well as from books, various apologues ascribed to the ancient sage. (*De Ludicra Dictione*, p. 20. Paris. 1658, 4to.) Bentley was even persuaded that 'tis very uncertain 'if Æsop himself left any fables behind him in writing.' But this opinion, as well as several others contained in his Dissertation upon the Fables of Æsop, has not been so generally adopted. See Tyrwhitt's *Dissertatio de Babrio, Fabularum Æsopearum Scriptore*, p. 25. Lond.

deficiencies which it might exhibit were not to be supplied by such writers as John Freind and Anthony Alsop. After the revolution of a century, the reputation of each of those individuals is sufficiently fixed and ascertained; nor is it a little amusing and instructive to mark the supreme contempt with which Bentley, a name illustrious in the annals of learning, is treated by Alsop, whose name is only known to a few university-men, particularly conversant with modern Latin poetry.*

‘Scio extitisse nonnullos qui acerrime contenderent, has quæ
 ‘vulgo circumferuntur *Æsopi Fabulas*, ab *Æsopo illo fabula-
 ‘rum philosopho* non fuisse conscriptas: quod nuperrime fecisse
 ‘audio Richardum quendam Bentleium, virum in volvendis lex-
 ‘icis satis diligentem.’† The most facetious part of the joint-stock production is that which contains the series of arguments to prove, that the Dissertation bearing the name of Bentley could not have been written by the reputed author. Here his own arguments against Phalaris are burlesqued, and many of his peculiar expressions are parodied, in a happy vein of humour. This contribution has sometimes been ascribed to Dr King the civilian, but it seems to possess more pungency than any of those pieces of humour which we know with certainty proceeded from his rambling pen; and the opinion which imputes it to Dr Smalridge may therefore be considered as more probable.‡

The motley production, bearing the title of “Dr Bentley’s Dissertations on the Epistles of Phalaris and the Fables of *Æsop*, examin’d by the Honourable Charles Boyle, Esq.” was published in the year 1698; and in the following year Bentley published “A Dissertation upon the Epistles of Phalaris; with an Answer to the Objections of the Honourable Charles Boyle, Esquire.” They are both in the octavo form; the former ex-

1776, 8vo. Maximus Planudes could neither be the author of the Fables, nor of the Life of *Æsop* which is commonly attributed to him: he was still living in the year 1353; but the Florentine manuscript, containing the Fables and a similar biographical narrative, appears to have been written about the beginning of the preceding century. See the prolegomena to *Fabulæ Æsopice, cura et studio Francisci de Furia*. Florent. 1809, 2 tom. 8vo.

* Antonii Alsopi, *Ædis Christi olim Alumni, Odarum libri duo*. Lond. 1752, 4to.—Several of his odes are addressed to his fellow-labourer Dr Freind. Two are addressed to our countrymen Dr Gregory and Dr Keill, who were both professors in the University of Oxford.

† A. Alsopi *Præf. in Fabularum Æsopicarum Delectum*. Oxoniæ, 1698, 8vo.

‡ See a note of Dr Salter, subjoined to Bentley’s Dissertation, p. 448. edit. Lond. 1777, 8vo.

tending to about 300 pages, and the latter to 655. The wits of Christ Church were overwhelmed with an immense mass of learning, and that so well digested, and animated with so much spirit, that it would be difficult to mention many critical works worthy of being compared with Bentley's Dissertation. In this controversy, as Gibbon has remarked, 'his powers were called forth by honour and resentment.' His learning was superior, immeasurably superior, to that of the Oxford combination; nor did they find him inferior in the use of their own weapons of wit and sarcasm. Bentley's wit is not without a certain tinge of rusticity, but it is nevertheless full of poignancy. He everywhere maintains an air of undaunted confidence, and he doubtless felt for his adversaries that contempt which he so strongly expressed. As he has incidentally discussed many different topics of classical erudition, his work is interesting and valuable even to those who may not deem the principal question of much importance. The extent of his learning, and the dexterity with which he applies it to every subject that presents itself, are not more conspicuous than the intuitive sagacity of his conjectural emendations. Of the style of this dissertation it is impossible to speak with equal commendation. A man of genius will commonly express himself with some degree of force or vivacity, nor is Bentley's composition deficient in either of those qualities; but his diction exhibits a grotesque mixture of the pedantic and the familiar, if not the vulgar, and upon the whole must be considered as falling beneath the standard of good writing at that period. Of the authorized words of the language he makes an unscrupulous choice, and he is too apt to introduce words of his own fabrication. His style may therefore be described, in his own terms, as a putid *negoce*; but his composition nevertheless possesses that charm which is always produced by the characteristic workings of genius:

Τὰ γὰρ πῦρ πάντα βιβάνται.

Dr Monk has remarked, 'that no one of the Boylean confederacy ever again appeared before the world as a critic.' They must at length have discovered that they had engaged in a very unequal contest, and that whatever applause they had received had not been bestowed by the best judges. They indeed uttered a threat of publishing a complete refutation of Bentley's volume,* but having derived a little wisdom from their recent experience, they finally left him in quiet possession of his signal victory. He was however assailed, with little or no effect, by

* See A short Account of Dr Bentley's Humanity and Justice to those Authors who have written before him, p. 133. Lond. 1699, 8vo.

a numerous body of light infantry. This controversy produced an ample number of tracts, which are chiefly anonymous, and have little intrinsic merit; but two publications, which were rather suggested than provoked by Bentley's disquisitions, deserve a more respectful notice; they both relate to chronological subjects discussed in his Dissertation, and were written by Bishop Lloyd and Mr Dodwell, two individuals of very extensive learning. The first is to be numbered among his friends, and the second has not treated him as an enemy. Of the more fugitive tracts relating to the controversy, Dr Monk supplies us with an enumeration, which may perhaps be considered as nearly complete; but our collection includes one tract that has escaped his notice, namely, Rymer's *Vindication of his Essay*.^{*} Dr King, as Johnson has properly stated, 'was one of those who tried what wit could perform, in opposition to learning, on a question which learning could only decide;' but a more redoubtable antagonist was the Dean of St Patrick's, who in his *Battle of the Books* has directed against Bentley his powerful torrents of ridicule. On this side prejudice, as well as fashion, was strongly arrayed. It is curious to read the following couplet in Garth's *Dispensary*, and to compare the partial estimate of contemporaries with the mature decision of posterity.

So diamonds take a lustre from their foil,
And to a Bentley 'tis we owe a Boyle.

But it is only by himself that an author can be written down. A confederacy of wit and fashion may, for a certain time, succeed in exalting one writer above, and in depressing another writer below, his proper standard; but as no large community of men is without a latent sense of justice, no attempt of this nature can be attended with ultimate success; nor is it more certain that heavy or light bodies will sink or float according to their specific gravity, than that the reputation of good and bad writers will finally maintain some perceptible relation to their actual desert. The work of Mr Boyle, who soon after its appearance became Earl of Orrery, retained its adventitious honours for half a century. The fourth edition was printed 1745, whereas Bentley's Dissertation, in its enlarged form, was not reprinted till the year 1777. But the one author had now sub-

* A *Vindication of an Essay concerning Critical and Curious Learning*: in which are contained some short Reflections on the Controversie betwixt Sir William Temple and Mr Wotton; and that betwixt Dr Bentley and Mr Boyl. In Answer to an Oxford Pamphlet. By the Author of that Essay. Lond. 1698, 8vo.

aided to his proper level, and the reputation of the other was still rising. During the year last mentioned, his work was rendered more accessible to continental scholars by the Latin version of Lennep :* two editions of the original have been published within the course of not many years; and wherever critical learning is successfully cultivated, the name of the author continues to be held in the highest estimation.

When Bentley produced this singular work, he was in the thirty-eighth year of his age. His literary merit, though not duly appreciated by the public, was well known to the most competent judges; and on the promotion of Dr Montague to the deanery of Durham, he was recommended to the vacant office of master of Trinity College, Cambridge. To this office he was admitted on the 1st of February 1700, and was thus placed in a situation of dignity and emolument. Some of his predecessors, particularly Dr Pearson and Dr Barrow, were men of great distinction.† Of such individuals as these, Dr Bentley was in some respects no unworthy successor; and it was expected that his learning and energy would give a new impulse to the studies of this seminary, which had declined from its former eminence. But his appointment was unpopular from the beginning; and his administration was marked by a series of the most flagrant acts of rapacity, injustice, and oppression. On the 4th January 1701, he married Joanna, the daughter of Sir John Bernard, Bart. of Brampton, in the county of Huntingdon. She was related to Lord Bolingbroke, and to Mr Masham, the husband of a lady who enjoyed much influence at court. In the course of the same year, Bishop Patrick bestowed upon him the archdeaconry of Ely, which, being endowed with the two livings of Haddenham and Wilburton, was an office of emolument as well as of dignity. The residue of his ecclesiastical history we shall compress within the compass of a few sentences. His stall at Worcester he had resigned in 1700. In 1709 he was an unsuccessful candidate for the bishopric of Chichester. In 1717 he was elected Regius Professor of Divinity in the University of Cambridge; an office for which he was indebted to his own extraordinary management, and to the zeal of his faithful ad-

* Lennep's version is mentioned by Dr Monk, who has however neglected to state that it was reprinted in a volume entitled *Richardi Bentleyi Opuscula Philologica, Dissertationem in Phalaridis Epistolas, et Epistolam ad Joannem Millium complectentia*. Lipsiæ, 1781, 8vo.

† Of his critical learning, Bishop Pearson has left a durable monument in his *Vindiciæ Epistolarum S. Ignatii*. Cantab. 1672, 4to.

herent Dr Davies, the president of Queen's College, and the learned editor of several works of Cicero and other ancient writers. In 1724 he refused the bishopric of Bristol, and in 1730 the deanery of Lincoln. This bishopric is not provided with an adequate revenue; and 'it appears that he did not consider that deanery, although richly endowed, as an equivalent for the sacrifice of his academical stations: he probably reckoned, that if he once quitted his mastership, he might experience difficulty in retaining the emoluments of the regius professorship.' If he had not disgraced himself by the indecent violence of his conduct, he would in all probability have attained to one of the highest stations in the church; but the history of his proceedings at Cambridge presents a sickening detail, which is happily unparalleled in the academical annals of the united kingdom. His great prosperity, operating upon the native arrogance of his disposition, and unattended by the salutary restraint of religious feeling, seems to have produced a total disregard of every consideration, except those of his own power and interest. His government of Trinity College was that of an unprincipled despot. If any manager of a great theatre had conducted himself in the same rapacious and vindictive manner, the tradition of each successive generation of players would have described him as a *sad dog*. In the course of three years, Bentley had no fewer than six lawsuits before the Court of King's Bench. These animosities and contentions, injurious to the university, and scandalous to the church, commenced in the vigour of his manhood, and were only terminated with his long life. We have neither inclination nor space to introduce the sad detail of such unprofitable warfare, but must merely refer our readers to the copious narrative of his biographer. It may not however be superfluous to mention, that some of the fellows of the college made repeated and strenuous attempts to procure his removal from the office of master. Their first petition, dated in February 1709-10, was addressed to Dr Moore, Bishop of Ely, as visitor of Trinity College; and, among the thirty fellows who subscribed it, was the celebrated Dr Middleton, whom Bentley sometimes mentioned by the contemptuous name of *fiddling Conyers*, and who afterwards proved the most formidable of his literary antagonists. After many proceedings of a preliminary nature, the cause at length obtained a hearing at Ely House in the year 1714, and was before the court for the period of six weeks. Having consulted his assessors learned in the laws, Lord Cowper and Dr Newton, the visitor came to the conclusion, that the charges of wasting the goods, and violating the statutes, of the college, had been suffi-

ciently established; and he accordingly directed a sentence of ejectment from the mastership to be prepared in due form; but having caught cold in consequence of his long sittings in the hall, he was seized with an illness which terminated fatally before judgment could be pronounced. To his successor in the see of Ely, Dr Fleetwood, fresh articles of accusation were speedily presented by one of the fellows, Edmond Miller, Serjeant at Law, subscribed by him 'in the name and behalf of 'many of the Fellows;*' but the bishop declined to take cognizance of the cause, and a petition, subscribed by nineteen fellows, was in 1716 presented to the King. This attempt likewise proved ineffectual; and Dr Greene having succeeded to the bishopric of Ely, a petition was presented to him in the year 1729. The promoter in this suit was Robert Johnson, B.D., one of the fellows; and the articles of accusation, which are sixty-four in number, embrace almost all the material events in the history of the college for the space of eighteen years. The decision of the visitor was preceded by much litigation in the King's Bench and House of Lords. His assessors were two civilians, Dr Audley and Dr Cotterell; and at length, on the 27th of April 1734, he pronounced sentence of deprivation against the master, for dilapidating the goods and violating the statutes of the college. One of the articles on which he was convicted contains the charge of his having 'lived a very irreligious life, 'and notoriously neglected the public worship of God,' for more than twenty years past. It appeared in evidence, that for twenty years he had scarcely ever attended the college chapel in the morning, and for ten years or upwards as seldom in the evening. His usual intrepidity and address did not forsake him on so critical an occasion, and he came to the immediate resolution

* Serjeant Miller published "An Account of the University of Cambridge, and the Colleges there: being a plain Relation of many of their Oaths, Statutes, and Charters," &c. Lond. 1717, 8vo. Bentley, after having made some extraordinary attempts to deprive him of his fellowship, entered into a compromise which reflected no credit on either party. The serjeant 'engaged, on condition of receiving 400*l.* as costs in that 'cause, and half the dues of a fellow since 1715, with the whole of his 'room-rent, that he would resign his fellowship, and moreover withdraw 'both his own petition, and that presented by him in 1716, in behalf of 'Colbatch and other eighteen fellows to the King in Council.' Monk, p. 400. This transaction took place in the year 1719, and the money was paid from the funds of the college. Miller, who survived about twelve years, became a Member of Parliament, and finally made his quietus as one of the Barons of the Exchequer in Scotland.

of retaining his office in defiance of this sentence pronounced by the competent judge. He placed his chief reliance on the very defective provision of the fortieth statute, according to which, a master, convicted before the visitor of any of the greater offences there specified, is immediately to be deprived by the vice-master of the college.* Dr Monk thinks it 'highly probable that the 'mention of the vice-master in this part of the statute of deprivation was nothing more than a clerical error, and that instead of "*per eundem vice-magistrum*," the framers of the statutes had designed to enact, "*per eundem visitatorem officio magistri privetur*.'" Soon after the sentence had been pronounced, his devoted adherent Dr Walker was appointed to the office of vice-master.† Notwithstanding various applications to the Court of King's Bench, this sentence was never carried into execution; and Bishop Greene dying in the year 1788, 'the course of nature, and not the determination of law, put a 'period to the contest.' In this protracted and complicated suit, the master's share of the expenses amounted to no less than four thousand pounds; and this sum he had no scruple in drawing from the funds of the college. Such an extraordinary demand could not fail to press very heavily on the society; and those fellows who had concurred in the petition to the visitor, had subjected themselves to many other burdens. But the largest share of the expense, and the entire responsibility of managing the cause, fell to the lot of Dr Colbatch, who appears thus to have spent about a thousand pounds of his own money. This individual, who possessed talents and learning, was a senior Fellow of Trinity College, Professor of Casuistry, and Rector of Orwell. Like many of his brethren, he had been deeply disgusted with Bentley's tyranny and injustice, which, for a long

* In the year 1818, the Statutes of Trinity College were printed by order of the House of Commons, and may be found in the Fifth Report from the Select Committee on the Education of the Lower Orders, appendix (B.) p. 363.

† The vice-master was Richard Walker, D.D., whose name is well known to the readers of Pope. A more learned fellow of the same college was John Walker; of whom Dr Monk has stated, that, 'while only 'Bachelor of Arts, he drew up a series of emendations upon Cicero's 'three books *De Natura Deorum*, and communicated them to Dr Davies, by whom they were printed as an appendix to his edition, and are 'a specimen of proficiency in critical learning highly creditable to so 'young a man.'—P. 491. This statement seems to be partly inaccurate; for the title-page of Davies's edition, Cantab. 1718, 8vo, describes him as Master of Arts: "*Accedunt Emendationes cl. Joannis Walkeri, A.M. Coll. Trin. Socii.*"

series of years, he continued to oppose with a singular degree of firmness, consistency, and perseverance.

From such unsatisfactory details, we return to the consideration of the real services which he rendered to the cause of learning. Among these we ought to mention the very important aid which he contributed to Kuster's edition of Suidas. Through his influence, it was printed at the Cambridge press, at the expense and risk of the university. 'He lent to the editor a body of notes and corrections of Suidas, made by his illustrious predecessor Bishop Pearson, and preserved in Trinity library. He added some emendations of his own, and assisted him with his advice throughout the work.' At a more recent period, he lent Kuster a considerable sum of money, with but a slender chance of its being repaid. Another German scholar, Henry Sike, who had distinguished himself by his proficiency in Oriental literature, he invited to Cambridge, and procured him the Hebrew professorship. In his own college, he promoted not only the study of ancient learning, but likewise of the physical sciences.

Soon after the first petition against him had been presented to the Bishop of Ely, and while he must inevitably have been exposed to considerable anxiety and alarm, he had sufficient energy of mind to compose one of his most remarkable works, his *Emendationes in Menandri et Philemonis Reliquias*. Here the victim of his unrelenting castigation was Jean le Clerc, a native of Geneva, professor of philosophy and of the Hebrew language in the College of the Remonstrants at Amsterdam. Uniting an excellent capacity with uncommon industry and application, he had already written on a great variety of subjects, and had obtained an extensive celebrity by his different publications in the departments of theology, logic, and physics, when his ambition unfortunately prompted him to aspire at the reputation of a collector and editor of ancient reliques of the Greek drama. According to Dr Monk, 'he seems to have been the first person who understood the power which may be exercised over literature by a reviewer.' By the freedom of his strictures in various publications, more particularly in the *Bibliothèque Universelle* and *Bibliothèque Choisie*, he had excited the resentment of many eminent members of the republic of letters. Of grammarians and plodding scholars he spoke with habitual contempt, and thus increased the offence which was merely personal.* Some of his

* 'Quod vero vir doctissimus passim etiam omnem grammaticis negat judicandi et ratiocinandi facultatem, quod increpat, eos excolere tantum memoriam, at præcepta logices ignorare, et similia, quæ supra exhibui, id inhumanum est et arrogans, ut nihil inhumanius et arrogantius

philological mistakes had been exposed by Perizonius; but he was attacked in a more ferocious manner by Burman, another Dutch professor of great learning. His edition of Menander and Philemon was published in the year 1709,* and in the course of the ensuing spring, Dr Bentley, under the borrowed name of Phileleutherus Lipsiensis, transmitted his Emendations to Burman, who lost no time in communicating to the public such a morsel of criticism.† Under his own name, he prefixed a preface of thirty-four pages, in which he assailed Le Clerc with extreme virulence, and enumerated many errors which the author had left unnoticed. Not satisfied with relieving his spleen in this manner, he added a poetical address to the manes of the injured poets, in which he laboured to condense the essence of his vituperation. Of the spirit of this effusion the reader may be enabled to judge from a brief specimen :

Scilicet hæc nostris servata informia seclis
Prodigia, et nullis monstra pianda sacris.‡

The animadversions of Bentley were less virulent in their form, but not less caustic in their substance; and never was an unfortunate critic more completely despoiled of his usurped honours. Le Clerc's defective knowledge in the niceties of the Greek language,§ and his utter want of skill in the comic metres, are ex-

‘possit dici. Quid enim aliud hoc est, quam stultos plane esse et dementes? Ego vero putem, judicium et rationem esse omnium hominum omniumque disciplinarum communem, non unius ordinis aut disciplinæ propriam, et longe plus tribuerim homini, qui nullam philosophiæ partem attingit, sed qui ita formatus est ab natura, ut studium, curam, prudentiam quandam rebus suis adhibere, et sollicitè omnia perpendere soleat, antequam quid pronunciet aut decidat, quam philosopho tali, quem natura ad affirmandum quid temere et decernendum finxit proclivem. Immo, si verum volumus, vis ingenii et judicii elucet sæpe longe major in homine indocto, quam in docto, quamcunque is coluerit scientiam.’ (Jac. Perizonii Q. Curtius Rufus restitutus in integrum, et vindicatus, per modum Speciminis, a variis Accusationibus, et immodica atque acerba nimis Crisi viri celeberrimi Johannis Clerici, p. 31. Lugd. in Batavia, 1703, 8vo.)
* Amst. 1709, 8vo. The original publisher was Thomas Lombrail; but some copies of the book present a new title-page with the date of 1712, ‘apud Petrum Humbert.’

† Emendationes in Menandri et Philemonis Reliquias, ex nupera Editione Joannis Clerici: ubi multa Grotii et aliorum, plurima vero Clerici errata castigantur, auctore Phileleuthero Lipsiensi. Traj. ad Rhen. 1710, 8vo.

‡ Petri Burmanni Poematum libri quatuor, p. 244. Amst. 1746, 4to.

§ ‘Unfortunately,’ says Dr Monk, ‘he had been ill-grounded in the Greek language, was imperfectly acquainted with the elements of its gram-

posed in the most masterly and triumphant manner. In the minute and difficult knowledge of ancient prosody, it is generally admitted that Bentley had attained to an unprecedented degree of proficiency; and this study, which he promoted by his precepts and by his example, still continues to flourish in England. A late writer has remarked, that ‘many things now familiar to young academicians, (thanks to the labours of Dawes, and Burney, and Parr, and Porson, and Elmsley,) were utterly unknown to scholars like Bentley, and to Scaliger before him: and though it might seem an ungracious task, it would not be void either of pleasure or of profit to give select specimens of errors in metre and syntax committed by those illustrious men.’* To this publication Le Clerc was too prudent to attempt a separate and formal reply. It was however assailed by Jac. Gronovius,† who has scattered an equal portion of his learned abuse on Bentley and on Le Clerc; and by another writer of the same virulence, J. C. de Pauw,‡ whose critical blunders have been wafted to every seat of learning by the *Vannus Critica* of D’Orville. To this work of De Pauw, which was published under the assu-

‘mar, and had acquired the little knowledge which he possessed at an advanced age, with the view, as it would appear, of becoming in every respect a parallel to the incomparable Grotius.’—P. 210. All this is circumstantially stated, but without due knowledge of the facts. Le Clerc has repeatedly mentioned, and we know of no reason for questioning his authority, that he commenced the study of the Greek language in his early youth. See *Jo. Clerici Vita et Opera*, p. 12, and the *Silvæ Philologicæ* subjoined to his edition of *Æschini Socratici Dialogi tres*, p. 130. Amst. 1711, 8vo. We are elsewhere informed that Burman ‘knew less than might have been expected of literary anecdote.’—P. 518. This general remark is apparently grounded upon a solitary instance, his want of information respecting the author of an anonymous *Epistola Critica*; but the writer would probably have formed a different opinion if he had been acquainted with Burman’s *Sylloge Epistolarum*, in 5 vols. 4to.

* Tate’s Introduction to the principal Greek Tragic and Comic Metres. Lond. 1829, 8vo.

† Infamia Emendationum in Menandri Reliquias, nuper editarum Tractati ad Rhenum, auctore Phileleuthero Lipsiensi. Accedit Responsio M. Lucilii Profuturi ad Epistolam C. Veratii Philellensis, quæ extat in Bibliothecæ Choiriæ parte ix. Lugd. Bat. 1710, 12mo.

‡ Philargyrii Cantabrigiensis Emendationes in Menandri et Philemonis Reliquias, ex nupera Editione Joannis Clerici: ubi quædam Grotii et aliorum, plurima vero Phileleutheri Lipsiensis errata castigantur. Cum præfatione Joan. Clerici. Amst. 1711, 8vo.—This publication had been preceded by “Burmanniana, sive Calumniarum Petri Burmanni in Collegas et Populares Specimen.” Amst. 1710, 12mo. These calumnies are collected from his edition of Petronius Arbiter.

med name of Philargyrius Cantabrigiensis, in allusion to Bentley's notorious rapacity, Le Clerc prefixed a long preface, in which he made the best effort he could to defend his character as a scholar. Dr Monk ought perhaps to have stated, that a much better edition of Menander and Philemon has recently been published by Meineke, who has reprinted the whole of Bentley's Emendations.*

His next literary enterprise was his edition of Horace, which was printed at Cambridge, and was completed in the year 1711. The editor had hitherto been a zealous adherent of the Whig party, but as he expected the Tory administration might be of service to him in the present crisis of his affairs, he dedicated his book to the Earl of Oxford in a strain of elaborate adulation. Of the various publications occasioned by this edition, Dr Monk has furnished a tolerable account. Of Alexander Cunningham, one of Bentley's most formidable antagonists, his notices are neither very brief nor very satisfactory: he was not aware, or at least has neglected to state, that this learned man was a professor of the civil law, and that he was held in high estimation by some of the most eminent civilians in Holland. Without this mention of his profession, the outline of his life must remain very imperfect. The merits and the defects of Bentley's edition of Horace are sufficiently known; and we shall content ourselves with acquainting our readers with the impression which it left on the mind of a most unexceptionable judge.

'From the perusal of Bentley,' says Dr Parr, 'we now rise, and upon former occasions too we have risen, as from a *cæna dubia*, where the keenest or most fastidious appetite may find gratification in a profusion of various and exquisite viands, which not only please the taste, but invigorate the constitution. We leave him, as we often have left him before, with renewed and increased conviction, that amidst all his blunders and refinements, all his frivolous cavils and hardy conjectures, all his sacrifices of taste to acuteness, and all his roavings from poetry to prose, still he is the first critic whom a true scholar would wish to consult in adjusting the text of Horace. Yes, the memory of Bentley has ultimately triumphed over the attacks of his enemies, and his mistakes are found to be light in the balance, when weighed against his numerous, his splendid, and matchless discoveries. He has not much to fear, even from such rivals in literary fame as Cunningham, Baxter, and Dawes.

* Menandri et Philemonis Reliquiæ: edidit Augustus Meineke. Accedunt R. Bentleyi in Menandrum et Philemonem Emendationes integræ, Berolini, 1823, 8vo.

‘ He deserved to obtain, and he has obtained, the honourable
 ‘ suffrages of kindred spirits, a Lennep, a Rubnken, a Hem-
 ‘ sterhuis, and a Porson. In fine, he was one of those rare and
 ‘ exalted personages, who, whether right or wrong in detached
 ‘ instances, always excite attention and reward it—always in-
 ‘ form where they do not convince—always send away their
 ‘ readers with enlarged knowledge—with animated curiosity,
 ‘ and with wholesome exercise to those general habits of think-
 ‘ ing, which enable them, upon maturer reflection, and after more
 ‘ extensive inquiry, to discern and avoid the errors of their illus-
 ‘ trious guides.’ *

In the year 1713, a large share of the public attention was directed towards a work entitled *A Discourse of Free-thinking, occasioned by the Rise and Growth of a Sect called Free-thinkers*. The author of this anonymous publication was Anthony Collins, a writer not destitute of acuteness, but deficient in that learning to which he made such ample pretensions. His chief distinction arose from the zeal with which he laboured to propagate his deistical tenets; and as he was a person of some figure and influence, his book appears to have excited a degree of alarm which cannot fairly be imputed to the talents of the author. In disparaging the Christian religion, he found an extensive and favourite topic in the contradictory opinions and personal conduct of the English clergy; and besides the indignation excited by the general scope of his arguments, he thus roused a feeling of a more personal nature. His work was followed by several answers, but the most effective of these was published by Dr Bentley under the title of *Remarks upon a late Discourse of Free-thinking: in a Letter to F. H. D. D. by Phileleutherus Lipsiensis*.† The friend thus designated in the title-page was Francis Hare, D.D. who was then Dean of Worcester, and afterwards successively Bishop of St Asaph and Chichester. Collins’s superficial learning was exposed with unrelenting severity, and his arrogance was repelled by the most arrogant of mankind. Even the most pious may sometimes do well to be angry; but when a religion, breathing peace and gentleness, is defended in the worst spirit of its enemies, the cause of truth is but imper-

* Parr’s Works, vol. iii. p. 99.

† The eighth and the best edition of Bentley’s Remarks was published the year after his death. Camb. 1743, 8vo. Dr Monk has neglected to mention a French version, published under the title of “*La Friponnerie Laïque des pretendus Esprits-Forts d’Angleterre; ou Remarques de Phileleuthere de Leipsick sur le Discours de la Liberté de penser: traduites de l’Anglois sur la septième edition, par M. N. N.*” Amst. 1738, 8vo.

fectly promoted. Bentley's *Remarks* were however written with much ability, and were received with much applause; nor did he leave his adversary the same power of imposing upon the ignorant and unwary. The service which he had thus rendered to the church was proclaimed by Dr Hare, in a singular publication, more distinguished by the warmth of its zeal than by the delicacy of its conception;* but as the friendships of ambitious men usually rest on a very unstable foundation, we find them, at no distant period, in a state of open hostility. A scheme had been devised of employing Bentley in preparing editions of classical authors for the use of Prince Frederick, and he was induced to expect the large remuneration of L.1000 a-year; but this scheme was never brought to maturity, and he imputed its failure to the intervention of Hare, who is supposed to have suggested that his emoluments should rather be regulated by the extent of his labours, than by his private sense of obligation. When the dean published his edition of Terence,† he furnished another ground of offence. His former friend was indeed mentioned with high commendation; but he could not entirely conceal an inclination to detract from his character as a scholar; and the metrical skill displayed in this edition had in a great measure been derived from Bentley's private conversation. He prefixed a dissertation *De Metris Comicis*; and, as Dr Monk has remarked, his text 'presents Terence in a form rather to be 'scanned than read.' His notes are neither very copious nor very elaborate, but he has endeavoured to supply their deficiencies by inserting at the end of his volume the entire annotations of Gabriel Faernus. This edition, presenting some new attractions, and bearing the name of an editor well known to the public, experienced so favourable a reception, that it was speedily reprinted. Such brilliant success completed the measure of his offences, and Bentley resolved to extinguish his reputation as a critic by publishing a much better edition of Terence. This resolution he executed with great energy and despatch, if not precipitation.‡ 'His object was twofold; to give the reader a 'critical edition of Terence, with a corrected text and metrical 'arrangement of every verse; and at the same time to censure 'the performance of his rival. The industry with which he ac-

* The Clergyman's Thanks to Phileleutherus, for his Remarks on a late Discourse of Free-thinking. In a Letter to Dr Bentley. Lond. 1713, 8vo.

† Lond. 1724, 4to.

‡ Cantab. 1726, 4to.

‘ accomplished both purposes, and his rapidity of execution, are alike ‘ astonishing, and mark the powerful genius of our veteran critic.’ His preface is succeeded by a tract of a moderate length, entitled *De Metris Terentianis Σχέδιασμα*, which we believe to be correctly described as the clearest and most satisfactory account that has yet been given of that difficult subject. He has retained the annotations of Faernus, which are interspersed among his own. Of every *dipodia*, or couple of feet, he has distinguished the first accented syllable by the acute mark. His conjectural emendations are sufficiently numerous. In his notes he omits no opportunity of exposing the errors of the rival edition, and in order to mortify the editor still more deeply, he studiously avoids mentioning his name. Nor was his resentment yet satisfied: Hare had made great progress in preparing an edition of Phædrus; and with the view of defeating this project or retarding its success, Bentley added that poet as a companion to his Terence. Here however, as in many other instances, his passion was stronger than his judgment. For such an undertaking he had made no adequate preparation; and his hasty effort chiefly consisted in his inserting in the text many rash and superfluous corrections, and subjoining some brief and oracular notes. Dr Hare, who was filled with indignation at such treatment, took his revenge by publishing an *Epistola Critica ad eruditissimum virum H. B. S. E. I. in qua omnes doctissimi Bentleii in Phædrum Notæ atque Emendationes expenduntur*.* He was an excellent scholar, and the precipitation of his antagonist had afforded too much room for animadversion. He publicly threatened to prosecute this warfare by printing a series of remarks on Bentley’s edition of Terence. Sir Isaac Newton, as we are informed by Whiston, was scandalized that two such clergymen should ‘ be fighting with one another about ‘ a play-book;’ and certainly many other individuals, not disposed to take so severe a view of their classical propensities, must have been sufficiently persuaded that their example did not much tend to edification. This ill-judged publication of Phædrus was attended with another unpleasant result, the final dissolution of the editor’s friendly relations with Burman; ‘ which, considering ‘ how prone they both were to take offence, had continued a surprising length of time.’ Some suspicions and jealousies had formerly intervened, in consequence of their having each pro-

* Lond. 1726, 4to. The initials in the title denote “ Henricum Bland, Scholæ Etonensis Informatorem.” This *Epistola Critica* may be found in the collection of Hare’s Works, vol. ii. p. 285.

jected an edition of Lucan about the same period;* and the breach was rendered irreparable by Burman's decisive measure of subjoining Hare's *Epistola Critica* to his fourth edition of Phædrus.†

It was remarked by Dr Bentley's enemies, 'that whenever he was placed in peril for mal-administration of his college, his practice was to come forward with some literary production, which might interest the public in favour of its author; and that therefore a share of the merits of his works was due to his prosecutors.' His edition of Horace made its appearance the year after the date of the first appeal to the visitor; and his scheme of publishing a critical edition of the Greek Testament, was first announced when the fellows were meditating a petition to the King. His proposals for printing this work were issued in 1720, and were repeatedly attacked by Dr Middleton with much ability, and perhaps with virulence not inferior to his ability. We agree with the learned biographer in thinking that his scheme was not defeated by this angry exposure: he long afterwards reverted to the plan of such a publication; nor were his nerves so infirm, or his mind so unaccustomed to the utmost bitterness of invective, as to render it probable that he could be deterred by any literary opposition, however formidable. It is doubtless to be considered as a subject of much regret, that his long-meditated edition was never completed: the rashness with which he applied his pruning-knife to the profane writers, could not fail to excite a natural prejudice against him as an editor of the sacred writers; but his learning was so masterly, and his critical skill so mature, that if he had been induced to leave the text uninfested with his conjectural emendations, he might have performed the most eminent service to the cause of biblical literature. At the suggestion of Queen Caroline, he afterwards undertook to publish an edition of Milton's *Paradise Lost*;‡ a task for which he was neither qualified by the elegance of his taste, nor by the course of his previous studies; and of all his literary enterprises, this was the most injudicious and the most

* Bentley's notes on Lucan, accompanying the text and notes of Grotius, were printed at Strawberry Hill, in quarto, in the year 1760. They may now be found in a more economical form: "M. Annæi Lucani Pharsalia, cum notis Hugonis Grotii et Richardi Bentleyi." Glasgux, 1816, 8vo.

† Leidæ, 1727, 4to.

‡ Milton's *Paradise Lost*: a new edition, by Richard Bentley, D.D. Lond. 1732, 4to.

unsuccessful. It greatly contributed to impair his general reputation as a critic; for many readers, unprepared to judge of his violent distortions in the text of Horace, were sufficiently prepared to judge of his still more violent distortions in the text of Milton; and certainly those who were left to form an opinion of his literary merits from the mere inspection of his lucubrations on the English poet, could not but be astonished at his former renown. It was remarked by Bishop Lowth, that 'the greatest critic and most able grammarian of the last age, when he came to apply his learning and his criticism to an English author, was frequently at a loss in matters of ordinary use and common construction in his own vernacular idiom.*' In order to palliate the offensive audacity of his animadversions, he resorted to the expedient of an imaginary editor, a certain 'friend or acquaintance, whoever he was, to whom Milton committed his copy and the overseeing of the press;' and this editor he very gratuitously and absurdly represents as having not merely committed many unintentional errors, but even as having made various additions according to his own judgment or caprice. Dr Johnson has characterised this as 'a supposition rash and groundless, if he thought it true; and vile and pernicious, if, as is said, he in private allowed it to be false.' Such a mode of proceeding seems to be very correctly described in these terms; nor can we discover the solidity of Dr Monk's opinion, that 'Bentley was no more impeachable for a moral fraud, than the dramatist who introduces a fictitious character into the action of an historical play.'—P. 581. The dramatist who thus introduces a fictitious character, has neither the wish nor the expectation that his readers should convert the fiction into a reality; but when Bentley introduced, not into a work of fancy, but into an edition of a great poet whom he had undertaken to illustrate, this nameless character of a primitive editor, he must either have aimed at imposing upon his readers or himself. The editor is gravely announced in the preface, and is frequently mentioned in the notes, as any real and known editor might have been mentioned; nor is it to be considered as any adequate account of such conduct, that this 'was only a device to take off the odium of perpetually condemning and altering the words of the great poet.' A device it certainly was, and a very clumsy device; but it entered into the very essence of this device that Bentley's readers should suppose him to be speaking, not of a fictitious, but of a real personage. This edition of

* Lowth's Introduction to English Grammar, p. viii. Lond. 1762, 8vo.

Milton was received with that contempt and indignation which it could not fail to excite. The vagaries of the learned editor were very frequently of such a nature, that they were scarcely entitled to any serious notice; but his edition was attacked by many occasional writers, and was more critically examined by Dr Pearce, afterwards Bishop of Rochester, who treated Bentley with a degree of tenderness and respect which he had seldom experienced from his literary antagonists.*

Another labour of his declining years, was a projected edition of Homer; and it is deeply to be regretted that he did not relinquish more unprofitable pursuits, and devote himself to an undertaking so worthy of his name and reputation; but his literary projects were numerous, and his thoughts must often have been distracted by the perpetual succession of his quarrels and contentions. One object to which he directed much of his attention, was the poet's versification, of which he proposed to effect a general restoration, derived from ancient manuscripts, the examination of the numerous quotations dispersed in ancient writers, and, beyond all other sources, the systematic insertion of the Æolic digamma. The proper use of this letter, which he himself pronounced like the English W, while others have assigned to it the sound of F or V, was unknown to the scholars of that age.

‘The discovery itself, and the process by which it was confirmed, mark the genius of Bentley, and the logical turn of his mind. He first observed that the offensive hiatus in verses of the *Iliad* and *Odyssey* continually recurred in the same words; and some of them, he was led to believe, from the slender accounts which we possess of the old Æolic dialect, had once been written with the digamma. By trying the experiment of inserting the consonant in all those words wherever they occurred in Homer, he found that in a great majority of instances he succeeded in improving the versification. On proceeding to make the same insertion in other words, where the metre required support, his success was too general to proceed from accident, and proved to a demonstration the truth of the discovery.’—P. 618.

When Heyne was occupied with his edition of the *Iliad*, the master and fellows of Trinity College very liberally transmitted to Göttingen Bentley's corrected copy of Homer; and the advantages which his edition derived from this source are not sparingly mentioned.—Bentley's edition of *Manilius*, which he

* Dr Pearce's work, which is anonymous, appeared under the title of “A Review of the Text of the twelve Books of Milton's *Paradise Lost*: in which the chief of Dr Bentley's Emendations are consider'd, and several other Emendations and Observations are offer'd to the Public.” Lond. 1733, 8vo. It extends to 400 pages.

had prepared about forty-five years before, was published in the year 1739, under the superintendence of his nephew.* The death of Bishop Greene, in 1738, had relieved him from the hazard of expulsion; and he continued to enjoy his offices till 1742, when he died on the 14th of July, after having completed the eightieth year of his age. His wife had died two years before. His only son, who bore the same name, was educated to no profession: it was one of the many scandalous acts of the father's administration, that the son was elected a fellow of Trinity College at the age of fifteen. The younger Bentley, who is represented as a person of excellent talents, is best remembered as the friend of Gray. When his father one day found him reading a novel, 'Why,' said he, 'read a book which you cannot quote?†' The doctor's two daughters, Elizabeth and Joanna, were both married: the latter was the wife of Denison Cumberland, who was grandson to the learned Bishop of Peterborough, and who himself became Bishop of Kilmore, and the father of Richard Cumberland, one of the most eminent among the recent English dramatists.

It is not perhaps of much importance to ascertain the religious opinions of a man whose conduct was so little influenced by religious principles. We shall however transcribe an epigram, which Dr Monk has left unnoticed, and which strongly savours of Arianism; though it may doubtless be understood as expressing the opinions, not of the writer, but of his friend the heretical professor of mathematics. When Clarke kept his act at Cambridge for the degree of Doctor of Divinity, Professor James, who suspected him of a tendency to Arianism, urged him very pertinaciously to condemn an opinion which had recently

* Richard Bentley, D.D. Fellow of Trinity College, and Rector of Nailstone in Leicestershire, who survived till the year 1786. In the obituary of the Gentleman's Magazine, he is confounded with his cousin Thomas Bentley, LL. D., who had been dead forty-four years. Monk, p. 660. The latter had likewise been chosen a fellow of this college; but he vacated his fellowship by declining to take orders when he was of seven years' standing as a master of arts. He travelled in France and Italy, and collated various manuscripts in both countries. His proficiency in classical learning was attested by his editions of Cicero de Finibus Bonorum et Malorum, Cantab. 1718, 8vo, of Callimachus, Lond. 1741, 8vo, and of Cæsar, Lond. 1742, 8vo. This edition of Cæsar includes the notes of his friend Dr Jurin, who had been master of Newcastle school, and was then a physician of great eminence in London. Bentley, who appears to have been a more amiable person than his uncle, died at Clifton on the 28th of May 1742, in the fiftieth year of his age.

† Walpoliana, vol. ii. p. 30.

been propagated by Whiston. In the evening, Clarke and Whiston supped with Dr Bentley, who communicated to them the following tetrastich :

Tune mathematicum, male salse Iacobe, laccessis,
 Histrio dum ringis serium habere virum ?
 Ludis tu Christum, dominumque Deumque professus :
 Ille colit dominum, quem negat esse Deum.*

Of the various works of this extraordinary person, Dr Monk has, in most instances, given an account that may be considered as sufficiently copious; but his notices are not always such as will satisfy a bibliographer. Thus, for example, he occasionally quotes Bentley's *Epistole*, but with respect to the collection itself, he furnishes no satisfactory information. It might have been proper to state, that two hundred copies of this splendid volume were printed at the expense of the late Dr Burney, not with any view to publication, but as presents from the munificent editor: he promised to subjoin annotations, and these would doubtless have been replete with erudition, and, if we may form a conjecture from his "*Tentamen de Metris Æschyli*," they would have been written in very indifferent Latin.† If Dr Monk had inserted in his appendix a list of Bentley's publications, and another list of the very numerous publications of which Bentley is the subject, with the respective places of printing, the dates, and the sizes, he would have gratified many of his more curious readers. With regard to the composition of his massy volume, we are not prepared to speak in terms of commendation: we shall however refrain from general censures, and proceed to mention particular instances of what we consider as faults in diction and style. In the following sentence, we find a nominative without any corresponding verb: 'It was about the same time that Bentley's pupil, James Stillingfleet, being of a proper age for the university, his father determined that he should be accompanied by his private tutor to Wadham College, Ox-

* Whiston's *Memoirs of Clarke*, p. 14.

† Richardi Bentleii et doctorum Virorum Epistolæ partim mutuæ. Accedit Richardi Dawesii ad Joannem Taylorum Epistola singularis. Lond. 1807, 4to.—An enlarged edition of this collection has lately been published under the following title: "Richardi Bentleii et doctorum Virorum Epistolæ partim mutuæ: ex editione Londinensi Caroli Burneii repetiit, novisque additamentis, et Godofredi Hermanni Dissertatione de Bentleio ejusque Ed. Terentii, auxit Frid. Traug. Friedemann." Lipsiæ, 1825, 8vo. The dissertation here mentioned may likewise be found in the recent collection of Hermann's *Opuscula*, vol. ii. p. 263.

'ford.'—P. 14. We sometimes discover an improper application of common words; as, for example, when we are informed that Bentley 'pursued an original path of criticism, in which 'the intuitive and subtle quickness of his genius *calculated him* 'to excel.'—P. 12. It may with propriety be said that a person, from his genius, is calculated to excel; but the propriety of such an expression as 'his genius calculated him to excel,' seems to be more than doubtful. The author elsewhere speaks of 'the 'authenticity of Phalaris and Æsop.'—P. 87. Authenticity expresses the character of an historical document, genuineness the relation between an author and his reputed work. Should this remark require any confirmation, we gladly produce the authority of another Cambridge professor. 'It may be of use,' says Bishop Watson, 'to remove this confusion in your argument, 'to state distinctly the difference between the genuineness and 'the authenticity of a book. A genuine book is that which was 'written by the person whose name it bears as the author of it. 'An authentic book is that which relates matters of fact, as they 'really happened. A book may be genuine without being authentic; and a book may be authentic without being genuine.* That such information should be necessary for Thomas Paine, can excite little or no surprise; but it seems to be equally necessary for the Dean of Peterborough. 'A charge which was 'denied at the time, and which, from his respectable character 'in after life, we are *prone* to disbelieve.'—P. 203. We are *prone* to vice; but to believe on the side of charity, is allied to virtue. 'Put a period to his *existence*,' which repeatedly occurs in the *Life of Bentley*, is a phrase that long ago excited the ridicule of a young writer of high promise.† Death and annihilation are not synonymous terms; and although 'by many genteel people death and annihilation are supposed to be the same 'thing,' yet as the Dean of Peterborough belongs to a very different denomination, he might perhaps be expected to express himself with a greater degree of caution. Instead of putting a period to a man's *existence*, it may be sufficient to put a period to his *life*. The following passages contain instances of tautology. 'Celebrated for his researches in science, as well as in 'the *antiquities* and chronology of the *ancient* world.'—P. 15. 'To employ some of his best scholars in *editing* new editions of 'classical works.'—P. 49. On various occasions we are offended with a most ungraceful collision of particles. 'The cause 'was called *on* in the Court of King's Bench.'—P. 452. 'Dr

* Watson's *Apology for the Bible*, p. 183.

† *Miscellanies* by James Hay Beattie, A.M. p. 182. Lond. 1807, 8vo.

'Mead was sent to for his presence or advice.'—P. 543. 'Such an effusion as this is not the place to look to for a true account.'—P. 567. The Dean evinces a considerable partiality for certain compounds, which, in the present century, are scarcely deemed admissible into compositions that aim at any degree of elegance; 'sundry whereof' were ridiculed by another professor of Greek in the University of Cambridge.* This class comprehends such phraseology as *hereby*, *thereby*, *whereby*, *wherein*, *hereupon*, *whereupon*; all of which are interspersed in the *Life of Bentley*. The last sentence of the work is embellished with *hereby* and *thereby*: 'The example was *hereby* set to other colleges, and has been promptly followed, of enlarging their buildings for the reception of an increased number of students, and *thereby* extending the advantages of an education in an English university to a larger proportion of the liberal classes of society.' Dr Monk has evinced an equal partiality for another class of phrases, which we had likewise supposed to be obsolete;—*our* young scholar, *our* new doctor, *our* critic, *our* devoted critic, *our* Aristarchus, *our* literary veteran, and even *our hero*. Such phrases as these were commonly to be found in 'Some account of our author,' prefixed to some little book of a former century; but who could have expected to find them so plentifully scattered over the pages of a learned dignitary, who has so recently enjoyed all the transcendent 'advantages of an education in an English university?' Of the peculiar graces of his style, we shall subjoin other examples; and the advantages of such an education will thus receive a further illustration. Manilius 'was to have appeared *the foremost*.'—P. 26. 'Various as are the topics which come under discussion, he appears *at home* in all.'—P. 30. 'The union of high birth and academic merit naturally *made him considered* an honour to his college.'—P. 50. 'The last *batch* of fragments he sent to Utrecht.'—P. 58. 'Every trivial anecdote, however unconnected with the controversy, was *caught up*.'—P. 68. 'The confederacy, who, under the name of Mr Boyle, and *clubbed their forces* for the purpose of writing down an individual.'—P. 87. *Clubbed* their sixpences might, on certain small occasions, be a very suitable phrase. '*His bolt was now shot*.'—P. 91. Collins's Discourse 'drew upon itself a *host* of replies.'—P. 268. A *batch* of fragments and a *host* of replies are each comely in their kind. 'Speaks of the scheme as still on the *tapis*.'—P. 319. This seems to be a transition from the home-

* Porson's Tracts, p. 351.

ly to the fashionable. Bentley 'bethought himself of an expedient for *taking off* Miller.'—P. 324. 'Middleton having successfully *fleshed his maiden sword*.'—P. 406. 'To vindicate the injured party, whose reputation *lay a-bleeding* from the libel.'—P. 476. 'Seized this occasion of giving another severe *slap*.'—P. 491. 'To *overhaul* the proceedings.'—P. 494. 'Impelled by a strange infatuation to *fling away* his credit.'—P. 583. 'A personage who never *let slip* his interest with the master.'—P. 590. Thomas Bentley had '*taken up the cudgels* in his uncle's cause.'—P. 651. All this is so entirely in the slip-slop style of composition, that a critic, possessing a much larger fund of good-nature than we can fairly claim, might hopelessly search for 'topics of *collaudation*.'—P. 508. Occasionally however it happens that the mean is blended with the lofty: dignified subjects are discussed in very undignified language; and anon we are treated, as Dr Bentley treated the university of Cambridge 'with a public breakfast of appropriate magnificence.'—P. 57.*

A higher degree of terseness and elegance might reasonably have been expected from a writer of his pretensions; but in various instances we would more willingly commend his style than his sentiments. His general view of Bentley's literary character is contained in the subsequent passage: 'Notwithstanding this frequent abuse of his erudition, such is the power of genius, and so great the preponderance of his solid and unshaken merits, that Bentley has established a school of criticism, of which the greatest scholars since his time have been proud to consider themselves members; and, in spite of the envy and oppo-

* In the Life of Bentley we meet with various inaccuracies, which are perhaps of too trivial a nature to require any particular notice. Thus we find Lorenzo di Medici, instead of Lorenzo de' Medici; the name of Sharp, Archbishop of York, is spelt *Sharpe*, contrary to his own practice and that of his descendants; Sir Richard Steele is called *Steel*; Dr Strahan the civilian, well known as the translator of Domat, is called *Strachan*; and Dr Thomson, the translator of Cunningham's History, is called *Thompson*. 'Mr T. Blackwell' was a doctor of laws, and 'Mr John Ker' a doctor of physic. It may be mentioned as another specimen of his accuracy, that he has quoted from Dr King a long 'passage of a dialogue between Lilly and *Helvetius*.'—P. 106. The true reading is manifestly *Helvicus*. (King's Works, vol. i. p. 161.) Of this dialogue the professed subject is chronology; and if the Dean had been acquainted with such a book as the chronology of Helvicus, *Theatrum Historicum, sive Chronologia Systema novum*, he might not perhaps have committed such a mistake. We may remark that, in enumerating the principal writers on chronology, he elsewhere omits the name of Dionysius Petavius, 'Pétau, le fameux Pétau,' as he is styled by D'Alembert. P. 92.

'sition of his contemporaries, has attained a more exalted reputation than has hitherto been the lot of any one in the department of ancient literature.'—P. 663. Whether this latter clause does not contain a very material exaggeration, we may safely leave to the determination of the learned reader; but it may not be superfluous to compare this lofty panegyric with another sentence of the very reverend author, contained in his dedication to the Bishop of London. 'In the first place, there is no one to whom an account of the life and writings of a distinguished scholar can be inscribed with more propriety than to your Lordship, who have obtained the same rank in literature at the present day as was enjoyed during his lifetime by Dr Bentley.' With what sentiments this passage will be read by many scholars on the continent, and even in England, it is not for us to anticipate. The Dean has elsewhere classed the Bishop of Durham's Historical Account of Infidelity among 'the ablest theological pieces in our language;' and we very naturally arrive at this conclusion, that whatever may be the extent of his own learning, or the elegance of his taste, he is by no means deficient in worldly wisdom. With an innate reverence for wealth and station, he cherishes a commendable antipathy to poverty, and does not omit a proper opportunity of expressing his dignified contempt of 'some scribbler writing for bread in a garret.' The securing of a liberal independence he characterises as 'the first wish of a scholar.' And doubtless the advantages of riches over poverty have not entirely escaped the notice of other learned authors; but if the heart of a scholar is in the right place, there are some earthly things which he must contemplate with still greater aversion than poverty; 'for a man's life consisteth not in the abundance of the things which he possesseth.' The Dean discovers some anxiety to shine in the character of a Tory and high-churchman; and we leave him in full possession of all the advantages which such a character may be calculated to secure. He has not neglected to apprise his readers, that 'a vulgar error has represented the university as the head-quarters of Whig politics;' but he has thought proper to subjoin, what may perhaps be more easily asserted than proved, 'that only a small portion of the high-church party at Cambridge were Jacobites.' He apparently imagined it might be conducive to Bentley's credit, if he stated that, on the supposition of his engaging in the Bangorian controversy, 'his opinions on the subject in dispute would probably have led him to take part with Sherlock, Snape, and the high-church combatants.' We are moreover assured that the cabinet ministers of 1719 'were engaged in designs of no very friendly nature to the establishment, and were resolved by every means in their power to discourage and

'break the high-church party.' This sentence seems however to involve a very material fallacy in reasoning. A resolution to discourage and break the high-church party, instead of being connected with designs of an unfriendly nature to the establishment, might obviously be connected with designs of the most opposite nature. Serjeant Miller is here described as a person 'whose Whig principles were so violent that he could not even tolerate a high-churchman.' In this respect we do not resemble the learned serjeant, inasmuch as we should find no difficulty in tolerating Jews, Mohammedans, or even Pagans; but for the character of a genuine high-churchman, we do not habitually cherish any high degree of veneration. Of the high-churchmen who belonged to the period to which he refers, it is sufficiently ascertained that many were anxious for the restoration of the miserable remnant of that family which had entailed so many misfortunes on the nation: provided the inordinate pretensions of churchmen could be duly supported, they were willing that the people of England should again be subjected to the lawless sway of a Popish dynasty, which was neither to be controlled by principle, nor rendered wiser by experience. Such a churchman as this we discover in the person of Bishop Atterbury, who, after having notably signalized himself as a defender of the power and privileges of the church, was banished for his treasonable practices, and afterwards confirmed all the heaviest imputations against him, by acting as an accredited agent of the Pretender, and lending his aid in the preparation of another rebellion.* A wise man, like the Dean of Peterborough,

* When the Bishop took leave of his friend Pope, he told him he would allow him to say his sentence was just, if he ever found he had any concern with the Pretender's family in his exile. After a very short interval, we find the Pretender writing in the following terms to some of his loyal Highlanders: 'I remark with pleasure the Bishop of Rochester's forwardness to execute all my orders to this end with the utmost vigour; and as time doth not allow me to particularise them here, I shall refer you to him as to all particulars; not doubting of your exact compliance, and of your exerting on this occasion that ardent zeal for the good cause, and the welfare of your country, which you have already shown in so loyal a manner.' This, and other evidence of the same nature, may be found in a publication of Lord Hailes, entitled "The private Correspondence of Dr Francis Atterbury, Bishop of Rochester, and his Friends, in 1725." *Printed in the year 1768, 4to.* Dr Monk is pleased to remark, that Atterbury 'has associated his name with the political history of this country in a degree which has seldom been the lot of a churchman.' After the statement which we have now made, the reader may be sufficiently prepared to estimate the value of the commendation which one high-churchman sometimes bestows upon another.

should discern the signs of the times. The period is now past, we trust irretrievably past, when vague hints, suggestions, and insinuations respecting the danger of the *establishment* could easily alarm and delude the great body of the people. The latest attempts at renewing this causeless alarm have proved very unavailing. When the legislature evinced a determination to discontinue a gross profanation of one of the most sacred rites of the Christian faith, it was loudly asserted that the church was in danger; and it was loudly asserted that the church was in danger, when the legislature evinced a determination to admit those who professed the Catholic religion to the same privileges which had long been enjoyed by many individuals who professed no religion whatsoever. Few persons, possessed of a moderate share of understanding, and unencumbered with a grievous load of prejudice, were willing to lend a credulous ear to such assertions: the progress of reason, which, though frequently slow, is always certain, had produced in the minds of men various changes that had evaded the observation of old chancellors and young bishops; and when the traditionary note of THE CHURCH IN DANGER was again raised, it passed like an empty sound, or only served to interrupt the calm repose of some of the more ancient members of the University of Oxford. The real danger of the church is from within. The genuine high-churchmen, for whom Dr Monk entertains such a cordial respect, appear to us to commit a radical error in relation to the very meaning of the word *church*. According to our understanding, the Christian church comprehends the collective body of the faithful people who believe in the name of Christ; but, in their private contemplation, the church scarcely expands her arms much wider than to embrace themselves, with their own dignities and emoluments.

In perfect accordance with his other sentiments, the Dean betrays a lingering regard for the good old times, when the arm of temporal power was more ready to obey the call of the church; 'for in those days, it seems, religion could not be made the object of open attacks and insults with impunity.'—'Put up again thy sword into his place,' and consider whether the truths of religion are not best defended with spiritual weapons. After the inquisition had been abolished in Spain, it is by no means improbable that the Dean of Tarragona might thus heave a sigh, and, reverting to the pious reign of Philip the Second, might demurely ejaculate, In those days religion could not with impunity be made the object of open attacks and insults!

ART. III.—*The History of Rome*, by B. G. NIEBUHR. Translated by Julius Charles Hare, M.A. and Connop Thirlwall, M.A. Fellows of Trinity College, Cambridge. Vol. I. 8vo. Cambridge: 1828.

WE approach this very remarkable and learned work with extreme diffidence. It is some time since we announced our intention to examine it carefully and at length; the announcement would alone create a certain expectation, to satisfy which is more difficult than merely to discharge the ordinary duties of criticism; and, in the meantime, the *History of Rome* has been entirely recast and reproduced in a more elaborate form—and it has attracted so much attention, and drawn forth so many critical notices, both in Britain and on the Continent, of very various merit, that the difficulty of treating it in a suitable manner, which was always considerable, has been greatly increased.

A noble freedom of speech, the best privilege of liberal literature, is a marked characteristic of the author, which it is necessary to emulate in the examination of his labours; the use of it, however, is somewhat perilous, and the abuse would be odious.

A view of the fortunes, and an intelligible description of the institutions, of ancient Rome, even if there were no doubts or disputes concerning them, but all archæologists were agreed in accepting one uniform tradition, would occupy many closely printed pages; but, on the contrary, the systems are numerous and various, and the discussions almost infinite, to which the theory of the Roman constitution has given rise; and the narrative of Roman affairs has long been a field for active controversy. The bulk of a critical history, therefore, which professes to doubt, to measure, to weigh, to compare, at every step—to be the production not only of a diligent historian, but of a patient, cautious, and scrupulous judge—must, of necessity, be formidable, although the writer may successfully affect brevity of style and condensation of expression. It is evident that a review, which gave a full representation of such a work, could not itself be comprehended within narrow dimensions; but since any subject, however important and curious, is only one of many, it is impossible to devote to it more than a certain limited space, or to demand from our readers a greater portion of attention than a due regard for other pursuits and occupations will warrant.

It is expedient to decide at once what may be thrown over-

board,—of what part of the cargo we ought to make jettison in order to save the rest. Of the peculiarities of the work in its native state, of the original in the German language, comparatively few of our countrymen are competent judges; we may accordingly dismiss these considerations, and may treat it, not as a foreign but an English production. The differences between the present and the former editions, it would be tedious and unprofitable to collect and enumerate, and there are many other points of view from which it is needless to contemplate the edifice. Persons who are sufficiently reasonable in other respects, are often somewhat unreasonable in their expectations of what can be effected within the compass of an article in a review; they require, indeed, that as much should be told in the twenty or thirty pages that are assigned to it, as in the two or three thousand to which the work may extend, although the style of the author be as brief and condensed as that of Thucydides or of Tacitus. We are sometimes reminded by such immoderate and insatiable desires, of the microscopic penmanship that can compress the Lord's prayer within the compass of a pea, and bring the whole book of Psalms into a single page. Whatever the ingenious writing-master can execute with unwearied patience, a sharply pointed pen, and extraordinary vision, as to the characters, the critic is expected, by some magical art, which can diminish the space that the sentiments themselves ordinarily occupy, to effect as to the matter of an author;—to extract by distillation the essence, and to present, as it were, the strength and virtue of a hogshead in a small phial. Nor would this suffice: the alembic must not only draw off the entire virtue of whatever is submitted to it, but the wonderful chemist ought to add to the subtle extract a peculiar and higher flavour from his private stores; the most ample criticism should pervade and scrutinize every part, and much novel and original information touching the matters treated of in the pages that are under consideration, ought to give an additional value to the elaborate compound.

It is, doubtless, very flattering to critics, that men should think so highly of their powers, as to expect from them more than the most gifted mortals can possibly accomplish; and the honour ought to alleviate their toilsome labours, and to mitigate, in some degree, their natural asperity: it is, however, mortifying, that no exertions or industry can satisfy these large demands. If an article be composed after the manner of a table of contents, or an analysis, it is possible to enumerate all the topics that are treated of in any work in a moderate space, but few persons will venture to peruse the tiresome catalogue: should the laborious critic chance to meet with a kindred spirit,

who is so entirely devoted to the dry and tedious, as to be able to read the skeleton pages, through an ardent desire to accumulate facts, and a profound ignorance of the small value of this kind of knowledge, and that very few are worthy of being known, would the devoted self-denying student be instructed in the real nature of the work by his painful studies? Let him read the arguments that are prefixed to the several books of the histories of Herodotus, Thucydides, and Xenophon, he will find that the lists of proper names are different in each; but what ideas will he be enabled to form of the positive or comparative merits of the three great historians of Greece? Could he learn to judge of the virtues and defects of Livy from these arguments, or to estimate the character of the Roman people from such scanty sources, or from the breviary of Eutropius? We will not attempt, therefore, to paint a historical subject in miniature, or vainly endeavour to give a summary of the contents of this remarkable volume: we seek only to show the spirit of the author, and of the school to which he belongs, and to determine—whether correctly or not, we must leave to the decision of others—the value of his work and of similar productions. Although we will not say to those who are unacquainted with that work, Turn to the next article, or even, Go away and read it on our recommendation, and then return and discuss its merits with us, we may fairly hold, that our observations will be most intelligible to those deserving scholars who have consulted the instructive composition; and as comparatively a few only out of the great mass of readers will be able thoroughly to understand it, so we fear, notwithstanding our best endeavours, that our remarks may sometimes partake of the abstruseness and obscurity of the original. We have thought it our duty, on account of the peculiarity of the subject which we are about to handle, to premise a few words of apology; but without further preface, we will proceed to examine the nature and design of *The History of Rome*.

The philosophers of every age, as far as we have the materials of judging, may be divided into two great classes—those who believed every thing, and those who believed nothing. This comprehensive division must, of course, be taken with many qualifications and limitations, but the general expression is sufficiently accurate for the present purpose. So far as it is possible to believe, or to disbelieve every thing, a few have been in the one extreme or the other; a few, so far as human infirmity will permit, have shown the soundness of their judgment, by observing the just mean between scepticism and credulity; but by far the greatest number have inclined so manifestly to the one or the

other of the extremes, that there is seldom any difficulty in deciding at once, whether the individual ought to be classed with the sceptical or the credulous.

It is certain that each party have maintained their peculiar views with equal learning and ability; and to whatever conclusions, respecting the relative merits of the two systems, we might be led by reasoning *a priori*, experience proves, that they are equally well adapted to develop the intellectual faculties. History teaches us likewise, that at certain periods, and sometimes for several ages, one party has greatly predominated, whilst the other has been nearly extinct; it has been, as it were, the fashion to believe or to disbelieve. During the lengthened dominion of the church of Rome, that we may omit the consideration of more remote times, credulity was in the ascendant. It began, however, to decline at the Reformation, and scepticism revived; many authorities, which had long been accepted by Catholic writers as genuine, were exposed and rejected by Protestants, who, for the most part, became more and more sceptical; and dissenters of different sects advanced successively beyond the boldest members of any national churches, until, finally, the advocates for complete and universal scepticism, at once cut away the ground, which they had been mutually undermining, from beneath the feet of all, and plunged them inextricably in the ocean of doubt and uncertainty. At the end of the last century scepticism, which had been making rapid advances, was victorious; and although some writers of the opposite party endeavoured to make a stand, their numbers were comparatively small, and it is not to be denied, that they were commonly inferior in learning and ability to the champions of the more popular party; and, with a few exceptions, they spoke in the subdued tone, which those are wont to use who are conscious that they are struggling against the strong tide of public opinion. Nor had the reformed churches alone impaired the fulness and freedom of spontaneous and unhesitating faith; the Jesuits, who, in many important respects, may be considered as reformers, as protestant catholics, or catholic protestants, had already done much to advance the cause of scepticism. This learned body, moved with jealousy on account of the reputation, influence, and pretensions of the Benedictines, who had long signalized themselves by a rare union of learning and credulity, sought every occasion of detecting flaws in whatever their rivals had decided to be genuine, and were sometimes successful in demonstrating to be spurious, pieces that had been accepted as legitimate. It is unnecessary at present to enter into details of matters to

which it was absolutely necessary to allude, in order that the spirit, in which the work now before us was composed, may be explained and illustrated. We must mention, however, one remarkable person, whose scepticism has influenced literature more powerfully than is commonly imagined—we mean the celebrated Hardouin. This acute and eccentric scholar maintained several very extraordinary paradoxes,—as, for example, that all the Latin classics are forgeries of a modern date, except only the writings of Cicero, the Satires and Epistles of Horace, the Natural History of Pliny, and the Georgics of Virgil; and it seems that he excepted the last, chiefly because they are cited by his favourite Pliny. He shows that the *Æneid* is manifestly spurious, with so much ingenuity, that the perusal of his animadversions is very agreeable; and it may be prescribed as a salutary medicine to those who are inclined to yield their assent implicitly to the dictates of criticism. When a sober contemporary once reproached Hardouin for his excessive addiction to extravagant and startling paradoxes, and was exhorting him to abstain from them in future, he answered suddenly, ‘Do you suppose, my good friend, that I rise every morning, both in the summer and winter, at four, to write commonplace remarks?’ Every page of the *History of Rome* reminds us forcibly of this answer; we find that the author rises throughout the year at four, for we discover evident traces, at each step, of profound learning and exemplary diligence; but we see also, and not less plainly, that he is afraid lest his reader should suppose that his rest is broken thus early by the desire to string together commonplaces.

The first parts of this history were digested as lectures, to be delivered at the opening of the University at Berlin, and it is creditable to the founders of that institution, that they should have given rise to a work equally distinguished for learning and liberality. If it be pleasing to reflect, that others have lent a powerful aid to the cause of good letters, we cannot but be sensible, that we have been somewhat remiss at home in exciting and rewarding similar exertions: we make the humiliating confession not without mortification. The advantages of conveying instruction by lectures are many; this mode of teaching stimulates not merely the hearer, but the teacher also, and many valuable works have originated in this manner: all to whom the cultivation of good letters, and the advancement of education, are objects of interest, must regret that oral instruction has fallen so much into disuse in England. Niebuhr speaks sensibly and strikingly to this point in his preface.

‘ This new edition, in which it was my aim to make the proofs and solutions perfect, required very extensive labours ; but as all labour is lightened when new springs of activity are imparted, so this was mainly promoted by my lectures on Roman Antiquities last winter. What Pyrrhus said to his Epirots, “ *Ye are my wings*,” is the feeling of a zealous teacher towards hearers whom he loves, and whose whole souls take an interest in his discourse. Not only does the endeavour to make himself clear to them, and to utter nothing as truth which can admit of a doubt, speed his researches : the sight of them assembled before him, the immediate relation in which he stands to them, awakens a thousand thoughts during the time he is speaking ; and in how very different a manner does one write down words which had previously been poured forth as the fresh thoughts prompted them !’

If it were our present purpose to show the manifold advantages of this manner of teaching, it would be easy to furnish a long list of excellent works that have had a similar origin ; we will, however, mention one only, and we refer to it for a different reason. It is gratifying to hear a learned foreigner speaking in terms of respect, of a writer who has done much to promote the liberal study of jurisprudence, and to elevate that most important science to its due level ;—a writer, whom all persons, who conceive that their private interests require that our laws should be degraded, have laboured to depreciate, and some, who cannot endure that any subject should be looked at except in one point of view, and measure all merit by orthodoxy, according to their peculiar notions of what is right, have angrily and unjustly condemned. We here refer to Blackstone's *Commentaries*, which, as is well known, were the deposit of successive courses of lectures. Niebuhr speaks of them in the tone of approbation, and styles the author ‘ the great Blackstone,’ p. 279. We alluded, moreover, to the origin of the *History of Rome*, because we conceive that it justifies, or excuses, the tendency of the author to affect paradoxes. When the zealous teacher discourses to his hearers on a trite subject, and has the mortification to perceive, that after his conscientious labours, those who are assembled before him appear to be overcome with languor, and that his ‘ wings’ refuse to sustain his flight, exactly in proportion to his zeal, and to the love he bears his pupils, is the temptation strong to venture upon some novelties, like those which could tempt Hardouin to rise at four : the sage maxim, therefore, ‘ to utter nothing as truth which can admit of a ‘doubt,’ must receive the necessary qualification, save only such novelties and paradoxes as are absolutely necessary to attract attention, for he who altogether refuses to listen, will not hear the truth. The scholar who writes a book, is not sensible of the oscitancy of his readers until his task is ended, and it is too late

to attempt to rouse them; but he who makes a speech, or delivers a course of lectures, sees, hears, and feels the present neglect of his audience, and strives immediately to overcome it; and if he be endued with sense and sensibility, determines either to succeed, or to be silent.

In order to be at liberty to say any thing new in treating of an old subject, it is expedient to dispose of all those, on whose authority that which has often been repeated, and has long been established, rests;—to get rid of those witnesses whose testimony would contradict what is to be advanced, by destroying their depositions, or their credit. The ingenious Niebuhr certainly shows neither pity nor remorse in blasting unsparingly the characters of authors, upon whose fidelity mankind have long been accustomed to rely. There exists no other work in which the most respectable writers of ancient times are treated so cavalierly: in this respect the *History of Rome* is quite a literary curiosity; we will select a few specimens only to illustrate the spirit of the work. Of Tacitus he says,

‘The talents requisite to a contemporary historian, are so different from those of a learned investigator into antiquity, that the highest excellence in the former department affords us no assurance of the value of his judgment and evidence in the latter. That Tacitus did not combine what he might have combined, is evident whenever he goes back into antiquity, and in this case he certainly is not the authority on which we can credit what is extremely improbable.’

This historian is thus politely requested not to interfere in any case, which Niebuhr thinks proper to consider as extremely improbable. Livy treats more frequently of ancient times, and crosses his path continually; he is, accordingly, dismissed at once in the preface, as a troublesome and impertinent intruder. ‘It is not worth while,’ he says, ‘to speak of the rhetorician Dionysius, as a critical, investigating historian. *I may at once reject Livy as authority* for the views taken, on account of his inconsistencies and contradictions, which are so frequently censured in this history.’ It is plain that, if we at once reject the inconsistent Livy, the rhetorician Dionysius, and a few others, we may invent a history of Rome for ourselves, after our own hearts, without fear of contradiction. Innumerable instances might be adduced, where Livy is overruled in the most peremptory and arbitrary manner; precisely in proportion as the testimony of a witness is full and complete, are the assurances repeated and enforced, that he is utterly unworthy of credit. The Greeks who describe Roman affairs, are more copious and elaborate than the native historians; to disqualify them, therefore, is a principal object, and it is steadily pursued. Appian, a sensible and useful writer, is thus characterised:—

‘An author of very little weight ; spiritless, ignorant, and superficial, to whom we should in general only then have recourse, when necessity impels us to gather roots and herbs to satisfy our hunger.’ Like an Eastern monarch, the ingenious historian strangles all his rivals ; he says again—‘He read a little Latin, and in his account of this period he made use of Cassius Hemina. The high encomiums bestowed on this shallow Alexandrian by the late Müller are quite astonishing, and must not lead us astray.’ When we consider how much of the Latin language and literature, which has since been lost, was in existence in the time of Appian, and within his reach, we are amazed at the confidence in his own theories, which could induce an acute scholar to speak with such strange superciliousness of an ancient author. It seems that all the *ävädäua*, which their fellow Germans impute to the Prussians, as their great national characteristic, had been put in requisition for the occasion. Niebuhr, however, is not a Prussian by birth ; the profound Dane, therefore, has been more successful in the acquisition of self-confidence, than ‘the shallow Alexandrian’ in learning Latin.

Of Plutarch, he writes thus :—‘Even Plutarch thought so, and his opinion had a very undeserved weight, for it was but too long before men discovered how weak was the judgment, and how scanty the information, of this otherwise amiable writer.’ He sets him aside in a few words more completely in this manner soon afterwards—‘The invalidity of Plutarch’s information is discoverable on mere examination ;’ and, he adds, ‘of which, indeed, the ignorance of a Greek sophist is scarcely deserving.’ Plutarch, perhaps, would have enquired with a smile, could he have anticipated the effrontery of posterity, whether, on the contrary, the learning of a Prussian sophist was always to be considered worthy of assent without examination ? It is plain that the grand paradox will not bear to be stated openly, viz. that because at Rome, 700 years after the events, when many sources of knowledge which have now disappeared were still accessible, all memory was gone ; therefore, at Berlin, or Bonn, or in Ditmarsh, two thousand years later, when all intelligence, except that which these ill-informed persons supply, has been lost, a learned German is able to tell the divine tale correctly, by subtle conjecture and historical analytics. Although Plutarch meets with no quarter, but is stigmatized as credulous, and by many other epithets, which we forbear to repeat, whenever he ventures to stand in the way of a new view of Roman affairs, it is fair to observe, that the historian does justice to many of his excellent qualities, as well as

to the eloquence of Livy ; and in prosecuting his own ambitious designs,—we attach no offensive meaning to the expression,—the conqueror endeavours to do as little mischief as possible to others.

Dionysius of Halicarnassus is a great favourite with the sober, clear-headed Italians ; but the Germans, for the most part, love the dark and mystical too well to accept cordially the moderate and reasonable statements of this valuable writer. Although he is complimented with the honourable title of ‘ a diligent investigator of antiquities,’ when his views coincide ; yet the instant he presumes to differ, he must expect to hear himself called the writer of ‘ an intolerable newspaper account,’—‘ a half-informed rhetorician ;’ and to be told, not only that he had not learned enough, but that he could not learn more ; for he says, ‘ Dionysius *would not have been able to understand* a statement on this point ; that *he had read something* concerning this election *which puzzled him*, and out of which he tried to elicit a meaning, seems clear.’—P. 550, *note*. Passages such as these are really marvellous : if we consider their full import coolly and without that heat, which is always generated during the generation of paradoxes, we wonder that a sensible man can forget so entirely, that Dionysius, although he was not so well-informed as the ancient Romans were, respecting the institutions of the early times, had indisputably enjoyed many advantages during a long residence at Rome in the days of Augustus, which the literati of Bonn and Berlin in the 19th century unhappily cannot obtain ; and that if he was but half informed and altogether incapable, their information and capabilities must necessarily be prodigiously inferior. Nevertheless, the claims of this scholar, extraordinary and extensive as they are, are fully and distinctly recognised by his friend, the learned and ingenious Savigny, who gravely affirms, ‘ The discovery of *this fact alone* has enabled Niebuhr to penetrate deeper into the secrets of Roman greatness, than was ever done even by the Romans themselves, during the brightest period of their national literature.’ (*Hist. of the Roman Law*.) The reader must be curious to learn what *the fact* is ; we subjoin it for his instruction, that, by the assistance thereof, as by a diving-bell, he may descend at pleasure into the ocean of the past, and explore its long-hidden secrets. It is stated in these words—‘ No period within the bounds of historical enquiry, is more interesting and attractive than that in which the intellectual powers and mental characteristics of the nations ceased to repine in listless inactivity, and came forth in all the freshness of new being, and in every form of a strongly renovated existence. Such times of regeneration form the

‘ earliest dates of authentic history, although the origin of each people unquestionably reaches beyond them.’

Seeing that a singular wilfulness and perversity of intellect are large ingredients in historical criticism, of which many are devoted admirers, we may learn not to overestimate its value and power. It is too much to require us patiently to sit by and to hear our best and earliest friends, the benefactors of ourselves and of our ancestors, treated opprobriously and contemptuously,—especially those historians who have written of Roman affairs in the Greek language fairly and without prejudice; we are inclined to suspect that the critic, who affects to condemn the latter, does not desire to present us with a faithful picture of the times, but to distort the image of Roman story. It is, moreover, very illustrative of the spirit of the present work to observe, that two authors, Polybius and Sallust, are exempt from censure, and are classed as the highest and most indisputable authorities, the remains of whose writings relate only to certain limited periods, and cannot interfere with, or circumscribe, in general, the free exercise of historical imagination and invention. The critical censure, however, is usually so unsparing, that an author whose compositions are entirely lost, is not set free thereby from the heavy responsibility of answering at his peril for their fidelity and good sense; as, for example, ‘ These are the writers whom Dionysius and Plutarch mention with approbation, as rational men, who related what was probable, held to what was natural; and among them, if not, as I believe, the author of this manner, which, however, had earlier models among the Greeks, at least the person who applied it more decidedly than any other annalist, was L. Piso the Censor, a contemporary of the Gracchi; in other respects a worthy and honourable man, but betraying, in what we know of his annals, great narrowness of mind and perversity of judgment.’—P. 198. As to the modern practice of rejecting as spurious a work that has long been accepted without hesitation, on account of some newly devised subtlety, the entire nature of it may be learned from one example. Because some of the ancients, citing his poems from memory, have misquoted them, or transcribers have altered the passages cited, so that they are not to be recognised, or found in the works to which they are ascribed, certain critics infer that Homer never existed, or at least, that his works have altogether perished, and that the Iliad and Odyssey are palpable forgeries.

On the condition of being permitted to decide absolutely that any work which contradicts the hypothesis is spurious, and every unfavourable passage an interpolation, and to amend the text of an author, whenever it is uncomplying, by conjectural criticism,

so as to bring it to the precise sense that is required, it would be easy to prove any historical position whatever by the authority of the ancients: it would be equally easy, however, on the same condition, and by similar means, to prove exactly the contrary. Nor shall we be able to restrain the licentiousness of such criticism by requiring the critic to assign some probable reason for rejecting and amending books, for no one but an ingenious person would seek to distinguish himself in this field, and it would not be difficult for him to furnish the reason required. This objection has been urged against critical history, and if we were asked what satisfactory answer can be given, we must frankly acknowledge that we are altogether ignorant. The learned Niebuhr, however, does not feel this difficulty; he freely exercises the right of emendation, and loyally believes and maintains, that it is lawful and sacred; as is evident from his observations on one of the great lights of the civil law. ‘The ingenious Ant. Augustinus, who, in his views on historical questions, was mostly quite as happy, as he invariably was unhappy in emendatory criticism, discerned the truth here; but he only gave a faint intimation of his opinion, and so his conjecture has not met with acceptance. He would have had to fetch his readers, out of a public still far behind in its nonage, from a great distance, and to carry them up to the eminence on which he stood; the road to it was not levelled; would they have thanked him for it? Was it not enough that he himself had found his way thither?’ —P. 369, *note*. We do not condemn the frugal use, but the abuse, which is very frequent of late, of this art; and we complain that emendatory critics are, for the most part, intolerant; that they will admit of one form and face of things only;—an expression in a classical author that occurs once only is commonly amended, or altered into some form that is of frequent occurrence, as if sameness were essential to excellence; whereas, on the contrary, the variety of nature is infinite, and in proportion as the genius of a writer is great, he is various. It is not the time, however, for such discussions; we only remark on the present occasion, that at least as large a use is made of emendation as is consistent with the integrity of history.

Considerable assistance in supporting various novelties connected with the history of Rome is derived from etymology: all scholars who are acquainted with the attempts that have been made of late in our own language to lay the foundation of human knowledge in the science of tracing the origin of words, are sensible, that such deductions can seldom claim any other merit than that of ingenuity. We reject, without scruple, many derivations as forced and unnatural, yet, in other cases,

where we are familiar with the genius of kindred languages, we can trace the family likeness, even after it has vanished. It would seem at first sight, that there could not possibly be any connexion between the words *inni* and *hudo*, yet he would be a bold man who would venture to deny that the former is derived from the latter, or, at least, from a word nearly as dissimilar, *kumnos*. The lexicographers commonly hold, that *ὑδω*, to celebrate, is the root of *ὑμνος*, of which the Latins made *hymnus*; the barbarians, who inhabit at present the Cisalpine peninsula, for such they would doubtless seem to Varro and Cicero, have corrupted it farther, and by them a hymn is called *inno*, the plural of which, *inni*, is the word in question. This familiar example will teach us, that in this science, as in many others, belief and disbelief are equally perilous. Fashions change in all things, even in etymology: it is certain that the ancient etymologies are often very little to our taste; perhaps the ancients would as little relish ours. Niebuhr speaks harshly, and somewhat intolerantly, of their efforts, and appears to assert, at the same time, his own indefeasible right to derive words from such roots as he shall think fit. Having acquiesced in the opinion, that Italia is the Sabellian form of an Oscan word, he lays the ancient etymologists under an interdict, thus:—‘Names of countries were always formed in antiquity, as by the Germans afterward, from the name of the people; and Italia means nothing else than the land of the Itali. Nor is it to be explained, except from *that unspeakable spirit of absurdity* which always came over even the most sagacious Greeks and Romans the moment they meddled with etymology, how any one could stumble on the notion of interpreting that name immediately out of itself, because, in the Tyrrhenian or the ancient Greek, *italos*, or *itulos*, meant an ox.’—P. 18.

Having thus assumed the right of rejecting the positive testimony of the historians who are usually accepted, whenever he shall be dissatisfied with it, of deciding that any work is spurious, any passage an interpolation, and of amending or altering the text at pleasure;—being armed with these extraordinary powers, and with the further power of giving a new meaning to any word by the unrestrained exercise of etymology, he proceeds to unfold his views of the history of the early ages of Rome. The first and grand article of faith, which he propounds in the plenitude of his more than papal supremacy, is this, that the whole of the history is a *poem*. We have endeavoured to discover the meaning of this proposition, but without success; and we are much inclined to believe that, like many other dogmas, it is unintelligible even to its author; for a vast number of mys-

tical and technical words are used very freely with reference to it, of which no definition is given, and to which we are unable to attach any clear ideas.

We read perpetually of the 'purely epic times of the kings,' of the 'ancient epic character,' of a 'mythic narrative,' of 'poetical and unhistorical accounts,' and so forth. We frankly acknowledge, that it may seem unreasonable to require a fellow-creature to define beer, and not to permit him to drink a glass of that refreshing liquor, until he has produced a strictly logical definition, duly compounded of the next genus, and the specific difference; for we can guess pretty accurately at the signification of the names of common objects without such assistance; but where strange and novel terms are used, we need a clew to guide us to the neighbourhood of the meaning. The precise sense in which he uses the word '*poem*,'—and it is the pivot whereupon the whole of his theory turns,—is never accurately unfolded; but, as far as we have been able to collect it from a comparison of the various passages in which the word occurs, we doubt if the idea it conveys was known to the Romans at the periods referred to;—whether there existed the same marked and strong distinction in their minds between poetry and history, which more modern rhetoricians, by continually talking and writing about these matters, have created and firmly established. 'Adison roused the stupified senses of his literary contemporaries to join with the common people in recognising the pure gold of poetry in Chevy Chase. For us, the heroic lays of Spain, Scotland, and Scandinavia, had long been a common stock; the lay of the Niebelungen had already returned, and taken its place in literature; and now that we listen to the Servian lays, and to those of Greece, the swan-like strains of a slaughtered nation:—whoever does not discern such lays in the epical part of Roman story, may continue blind to them: he will be left more and more alone every day: there can be no going backward on this point for generations.'—P. 218. We will not speak of the lays of other nations, but it is certain that many full and particular histories of English affairs were in existence long before the ballad of Chevy Chase was composed; and whatever merit it may possess as poetry,—and we will not consider that question at present,—little assistance has been afforded by this pure gold, or by other old ballads, to the history of England.

The penalty of being 'left more and more alone every day,' is very grievous, we are aware, to that most gregarious of animals, man; nevertheless, at the risk of incurring it, of being accounted 'stupified,' and of being subject to all the anathemas which the learned author, in his zeal, launches against unbe-

lievers, we must be allowed to doubt whether the history of Rome has borrowed more from old ballads than that of England. We are willing, moreover, to grant, at least for the present, all that is advanced respecting the ancient lays of Rome, and we refer our readers to what is said on that subject, from which pages, as, indeed, from every part of this excellent work, they will receive pleasure and instruction. Ennius, however, and the older Latin poets, as far as we are able to judge of their works from the fragments that remain, appear to have been, even more completely than their successors, translators from Greek writings; but how purely national soever some of their compositions may have been, the hypothesis, that a poem was continually floating before the eyes of Livy, is entirely devoid of foundation. Niebuhr affirms that 'the inscriptions on the oldest 'coffins in the sepulchre of the Scipios' are in verse, and he deduces many important consequences therefrom: Let us concede, that these rude morsels are designed for verses, what inference will they afford against the credibility of the Roman history? Inscriptions such as

'A tender father, and a husband dear,
And eke a loving friend, lies buried here.'

or the more vulgar '*nenia*,' commencing,

'Afflictions sore long time I bore,
Physicians were in vain,'

abound in our country churchyards; posterity will infer, that it was the practice to write verses, or reputed verses, on grave-stones, and will perhaps marvel at the barbarous spelling; they will not conclude, therefore, that the History of England, from the philosophical pen of Sir James Mackintosh, is merely 'a fine epopee,' 'a mythic narrative,' 'of the ancient epic character,' but 'purely poetical and unhistorical.'

It would not be very difficult to devise a simple solution,—an easy and familiar explanation, of most of the prodigies that disfigure or adorn the early history of Rome: if we read Livy attentively, we shall not find a single passage, and he is alleged to be the principal *poet*, to induce us to believe that he considered the Roman history after the foundation of the city, as a poem. The notion is the invention of ingenious moderns, and it has been greatly extended, some will even maintain caricatured, by the very learned Niebuhr.

It is not to be denied, however, that there are many contradictions, and great variations, in the early history, and especially in the accounts of the foundation of Rome. Philip Cluverius, in the third book of his elaborate *Italia Antiqua*, has brought

the passages together in one view, and the diversity is surprising. Our countryman, Sir Isaac Newton, says, 'Whilst all nations have magnified their antiquities so exceedingly, we need not wonder that the Greeks and Latins have made their first kings a little older than the truth.'—'By the ordinary course of nature, kings reign, one with another, about eighteen or twenty years a-piece; and if, in some instances, they reign, one with another, five or six years longer, in others they reign so much shorter; eighteen or twenty years is the medium.' He then gives several instances, and proceeds:—'Generations from father to son may be reckoned, one with another, at about thirty-three or thirty-four years a-piece, or about three generations to one hundred years; but if the reckoning proceed by the eldest sons, they are shorter, so that three of them may be reckoned at about seventy-five or eighty years; and the reigns of kings are still shorter, because kings are succeeded, not only by their eldest sons, but sometimes by their brothers, and sometimes they are slain, or deposed, and succeeded by others of an equal or greater age, especially in elective or turbulent kingdoms.'—'The reigns of the seven kings of Rome are reckoned at 244 years; but this can scarce be reconciled to the course of nature, for I do not meet with any instance in all history, since chronology was certain, wherein seven kings, most of whom were slain, reigned 244 years in continual succession.'—'The seven reigns of the kings of Rome, four or five of them being slain, and one deposed, may, at a moderate reckoning, amount to fifteen or sixteen years a-piece, one with another, and let them be reckoned at seventeen years a-piece, and they will amount unto 119 years.' Newton discourses of these difficulties in a sober and moderate tone, and perhaps, if we were to shorten the period of regal government in the manner he proposes, most of the obstacles that impede the early chronology of Rome would vanish. Niebuhr calculates from the number of Doges of Venice, the average reign of an elective monarch at twelve and one-half years, which would confine the seven kings within the narrow period of eighty-seven or eighty-eight years.

It is not impossible with a pair of dice to throw aces seven times running, and after the event, the fact is not more incredible than that any other succession of numbers should be produced in seven throws, although the successive aces are more easily remembered than many others, and by the association of ideas, they are rendered more remarkable. If it were well attested, therefore, that Romulus, or Servius Tullius, had thrown these doublets seven times, there is no reason why we should

refuse to believe it; yet if it had been the custom in all countries for a king to throw seven times with a pair of dice, when he came to the throne, and the numbers had been carefully registered by historians, it is probable not only that no other king would have had the same casts as Romulus or Servius, but that he would not even have thrown any doublets seven times; and this although a far greater number of instances were recorded than of the reigns from which Newton deduces their average duration. It is not impossible, nor contrary to the course of nature, nor at all improbable, that a person of the age of thirty years should be chosen a king, or a magistrate, and should continue in office for thirty-five years, and, at the age of sixty-five, should die in his bed, or be deposed, or murdered; nor is it impossible or unnatural, that seven kings, or magistrates, should be elected in succession at nearly the same age, and should respectively reign for nearly the same period: such an occurrence may be rare, it may be a single instance in history, but if it be well attested, since it is not by any means impossible, although it may be very improbable that it will happen again soon, even as improbable as that any one will throw aces seven times running, it is not easy to say why it cannot be true.

With respect to future events, it is not impossible that the seven kings of England, who shall follow his present Majesty, will reign for 244 years, for it is certain that human life will allow such a disposition; but it is far more probable that their reigns will not comprehend a longer period than 119 years, for such is the ordinary duration of seven reigns, if the estimate of Newton be correct: And it is also highly probable, that in an elective monarchy, the like number of monarchs will not reach beyond 88 years, if the calculation of Niebuhr be accurate.

With respect to past events, on the contrary, it is difficult to decide what is probable, or to affirm, that it is more probable that the seven kings reigned 119, or 88, or 244 years. When the improbability consists merely in an unusual succession of events, each of which taken singly is not in itself improbable, it seems to be a misapplication of the mathematical sciences, to endeavour to estimate the evidence of history, by the doctrine of chances: but the Roman chronology is a subject far too extensive to be treated of within our present limits. The learned author introduces many very ingenious and some exceedingly fanciful speculations in chronology; his faith in the power and mystery of numbers, is occasionally not unworthy of a Talmudist, or a Gnostic; nor is it always easy to follow him through the mazes of his arithmetical labyrinth. We are unwilling, however, to speak slightly of his numerical arguments, how-

ever whimsical and unsatisfactory ; we desire, wherever it is possible, to admire rather than to contemn, for the solid merits of the work command respect and admiration ; moreover, it is unfortunately but too easy to affect to despise what it is difficult thoroughly to understand, and we have remarked, that the least respectable sects in philosophy are the most prone to treat their superiors disrespectfully and contemptuously. Many of the ancient festivals, we may perhaps say, all those that recurred at periods longer than a year, had a chronological import : Niebuhr avails himself of this fact, and insists frequently on the dignity of the secular period of 120 years : to three of these periods, forming a term of 360 years, he attributes extraordinary virtue. ' According to an ancient chronological statement, which Servius ' has recorded, 360 years elapsed between the fall of Troy and ' the building of Rome, just as many as between the building of ' Rome and its being taken by the Gauls.—I hope I shall not promote mysticism, and a childish trifling with numbers, when I ' remark the singular play of chance, that from the destruction of ' Rome by the Gauls to the conquest of Alexandria, the foundation of the monarchy ; and from the latter event to the dedication of Constantinople, there intervene in each case 360 years.' —P. 171.

A very slight acquaintance with the chronicles of the middle ages would be sufficient to convince us, that it is a gross delusion to suppose there can be no certainty in history, because *νεπαρταγόμενα*, miracles, prodigies, poetical or mythic incidents, are inserted amongst ordinary occurrences, and are related indiscriminately with equal seriousness, or indifference. In superstitious ages and countries, historians draw largely upon their own credulity and that of their readers respecting matters connected with the prevailing religion, whilst in recording common secular events they observe the most scrupulous fidelity. If we are justified in affirming, because we meet with some acts of Saints as incredible as any of the prodigies detailed by Livy, that the entire chronicle is mythic in its essence,—that ' a fine poem floated ' before the eyes' of the chronicler, and was embodied by him in his work,—it is absolutely certain, that the history of at least a thousand years, which intervened between the fall of the Roman empire and the revival of learning, must be at once struck out of the book of memory, as a vain fable, an empty dream, unworthy of the attention of the critical philosopher. If history is to be measured by Niebuhr's standard, we may add, we must consent to forego almost the entire narrative of the adventures of the human race, until two, or three, centuries before our own times ; let us not, therefore, be tempted by a most irrational reasonableness,

and an extreme dread of the marvellous, to throw away the instructive volume for the sake of a few prodigies. We will not surrender our faith in the history of Rome, because it is embellished with marvels, nor yet on account of the contradictions which it contains. Contradictions in testimony are seldom sufficient in themselves to induce us to refuse credit to a witness, or they often prove to be merely apparent; and when we know more of the facts, we find that they may be reconciled. It is very difficult, when we are ignorant of many parts of a transaction, to decide positively upon partial information, what contradictions are utterly irreconcilable: Niebuhr, however, it must be confessed, is seldom oppressed by this difficulty; and it is almost impossible to supply with perfect accuracy, by conjecture, all the circumstances that may blend discordant statements into one harmonious whole. The excellent practice, which prevails in this country, of examining witnesses *viva voce*, is a powerful aid to the discovery of truth, but it tends perhaps to incapacitate us, by rendering it in a great measure unnecessary, for the difficult task of judging of the effect of contradictions in written testimony. The confusion of a witness, when his own contradictions, or those of his accomplices, are pointed out to him, his visible uneasiness, and his inability to explain them, and to clear up and render intelligible the incongruities, and in short, the whole of his demeanour, are far more efficacious in fixing the stigma of falsehood upon the perjured wretch, than the contradictions themselves. Many histories, moreover, we know to be true in the main, although, from various causes, very contradictory accounts have been given of the principal transactions; and if we are to reject all history that contains manifest contradictions, we must reject, as we before observed respecting prodigies, on this account also, the entire mass of the history of the world; and humbly beg Niebuhr, if we are still curious respecting the fortunes of our planet, to be pleased to write a new history from his own invention, consisting entirely of events which he shall deem probable, and of such actions as he and his acquaintances would have performed, and of no others.

Probability is the key-stone of critical history, the universal test by which all history is to be tried; the rule is good, but the application of it is very difficult. Ilia was ruined in a manner that seems improbable to a German professor,—we do not use the title of an honourable office disrespectfully,—we consider it as synonymous with a learned and moderate man; he would have done it in a different way; therefore, the story is not true. The children she brought forth were made away with in a manner that seems improbable to a German professor; he

would have killed them differently ; therefore, they were never born. A city was taken by a stratagem that he would never have thought of, therefore it had no existence ; a mighty empire was not founded precisely according to his receipt, we will accordingly require the date of its foundation to advance or recede five centuries, or explain away the whole in allegories. Where are we to draw the line ? How are we to save ourselves and our children from being annihilated, as the mythic personages of a fine floating poem ? In what manner can we limit and define the probable ? We must concede that every man is in most cases a competent judge of probabilities, otherwise the business of life could not be carried on ; yet, on the other hand, we cannot admit, that every man can arrive in every case at a correct conclusion,—that an erudite critic, or a profound civilian, is a decisive authority as to the probable in battles. We will not presume to discuss the thorny question, we only protest against an inauspicious union of dogmatism with scepticism.

Critical history might with equal propriety be named equitable history ; for the criticism of the Germans greatly resembles the equity of the English lawyers : The Chancellor is bound, it is said, by certain well-known rules, but they are soft elastic bonds, which the learned keeper of the King's seal and conscience, and his predecessors, have knit for themselves, from time to time ; and although they never appear to sit loosely, yet may they be stretched to any dimensions that can possibly be required. These seeming chains are so warm and comfortable, so yielding and so becoming, that it is natural the wearer should be fond of them ; and they fit so closely, whether extended or contracted, that we cannot wonder if some may always be found who really believe that they are an effectual restraint. Nor will the doctrine of probability control a writer who composes a history according to the principles of criticism, or prevent him from indulging in universal scepticism.

The proverb truly says, that extremes are near,—and the proximity is never more striking than between incredulity and credulity ; nor would it be easy to find a more remarkable example than the learned and philosophical Niebuhr. We have already exhibited a slight outline of him as a sceptic, whose want of faith has dried up the ordinary sources of history, and who has intrenched himself behind so many impregnable bulwarks of doubt, that no evidence of any fact can reach him ; we will now say a few words respecting his ready credulity, whenever he is led to yield his assent by a keen appetite for the new and strange. If we may sometimes be permitted to doubt whether the inaccuracies and intricacies, which he points out,

will justify such extraordinary scepticism ; on the contrary, we may hesitate to acquiesce in his hasty decisions, as to the conclusiveness of certain testimony : it is, however, equally impossible to believe and to disbelieve all we read, and it is not easy to draw the line. He does not scruple to correct the accounts which eye-witnesses have given of transactions ; believing, therefore, of necessity, that he is better acquainted with them two thousand years after, than the persons who were actually present : he can persuade himself also, that he can trace evident affinities and analogies between two languages, one or both of which is utterly unknown. He manifestly believes very frequently, that he is perfectly familiar with the contents of works which have been lost for many ages : ‘ From the beginning of the Commonwealth, they found, in the *Fasti*, notices, in the form of chronicles, which, especially the *Fasti Triumphales*, were undoubtedly studied from early ages as a volume, and their contents engraven on the memory.’

It would be easy to multiply citations to the same effect, but we prefer a very curious extract, although of somewhat different purport, respecting a subterranean passage, which, if we mistake not, is now occupied by washerwomen, and has been faithfully delineated by Sir William Gell, in Nibby's work concerning the walls of Rome :—

‘ The remembrance of the guilt of Tarpeia still lives in a popular legend. The whole Capitoline hill is pierced with quarries, passages of remote antiquity, worked through the loose tufo. Many of these have been walled up ; but near the houses erected upon the rubbish which covers the hundred steps, on the side of the Tarpeian rock, that looks towards the Forum, beside some ruinous buildings, known by the name of the Palazzaccio, several are accessible. A report of a well of extraordinary depth, which must have been older than the aqueducts, since no one would have spent the labour on it afterwards, and which, no doubt, secured a supply of water to the garrison during the Gallic siege, attracted me into this labyrinth. We were conducted by girls from the adjoining houses, who related, as we went, that in the heart of the hill, the fair Tarpeia, (*la bella Tarpeia*, like *la bella Cenci*, includes an intimation of tenderness for an acknowledged criminal), sits, covered with gold and jewels, enchanted. He who endeavours to reach her, never finds out the way : once only she had been seen by the brother of one of our guides. The inhabitants of this quarter are smiths and low victuallers, without the slightest touch of that seemingly living knowledge of antiquity, which other classes have drawn from the most turbid sources of vulgar books. Real oral tradition has kept Tarpeia for five-and-twenty hundred years in the mouth of the common people, who for many centuries have been strangers to the names of Clælia and Cornelia.’—P. 193.

If he had incautiously mentioned his proposed visit to these

caverns, it seems probable that some malicious Roman, who was piqued at being charged with having 'drawn his knowledge of antiquity from the most turbid sources of vulgar books,' had suborned the smith's daughter, who conducted him, in order to try the value of modern criticism, to hoax the trans-alpine antiquary with a specimen of 'real oral tradition.'

An amiable man, who had carefully and painfully studied for some years the theory of surgery, but who had personally engrossed but a small share of actual practice, entered during the last war as surgeon, on board a privateer. One of the crew, in an action with an enemy's ship, in which they were victorious, had his leg so severely shattered by a cannon ball, that it was deemed expedient immediately to amputate the wounded limb. The young surgeon, in the trepidation arising from an over-anxiety to do right,—we are bound in candour and justice to state, that this estimable individual was a native of the sister isle,—very meritoriously, but somewhat unfortunately, cut off the wrong leg. The crew of the privateer did not take a philosophical view of the case, but, like the world at large, they estimated the value of the operator rather by mere physical success, than by moral excellence; and even the patient himself did not duly appreciate the kind zeal of his medical friend. He was accordingly compelled to quit a profession, which, if good intentions are a passport to advancement, he was formed to adorn, and to betake himself to other callings, in each of which, successively, the same over-anxiety always gave a pretext to ignorant impatience for checking the aspirant, unfortunately for mankind, at the commencement of his career. It is impossible to pass this worthy person in the street, without bowing to him, not so much with an outward inclination of the body only, as with an inward prostration of the whole soul; for what a deep feeling of responsibility,—what a sense of the duties he was endeavouring to perform,—what a prodigious desire to act correctly,—what a trembling, overwhelming, and conscientious conviction of the importance of the social relation in which he stood to the poor maimed seaman, must have filled his mind! the excessive and radiant brightness of moral light, must have dimmed his physical optics, before he could have made a blunder so gross, that even the cabin-boy would laugh at it, whilst few have sufficient sensibility to sympathize in the sentiments which occasioned it, or to feel as he felt. So is it sometimes with the learned men of Germany, and so is it not unfrequently with the ingenious Niebuhr. *They cut off the wrong leg*; and when they fail thus, they best deserve our admiration; for the feelings which occasion failure are more honourable than success.

We have now satisfied our conscience:—we have stated, as is our duty, plainly and candidly, the defects of this School, and especially of one, who is on all accounts worthy to be deemed its chief; and we are at liberty to enter on the more agreeable and more congenial office of expressing our approbation and admiration.

Of the learning of the author, it is hardly necessary to speak. In addition to uncommon proficiency in all the more common attainments of a scholar, he is adorned with various acquirements which are somewhat unusual. The complex structure of the Germanic empire gave the Germans a taste for, and practice has supplied skill in, unfolding, if not always the true history, at least a plausible theory, in explanation of the origin of political institutions. In the works of their jurists, we find occasionally a solution of the problem of their own constitution, which is so ingenious, that the student is tempted to acquiesce in it, until he meets with a contrary opinion, maintained with equal ability. Niebuhr shows a singular knowledge of the constitutional history of the various states of Europe; but he abstains from the ostentatious display of his remarkable accomplishments. The license of citation is used with great sobriety, and few passages are adduced which have not been carefully examined. The *History of Rome*, however, is, it must be admitted, a work of difficult comprehension, and he who is ordinarily esteemed a good scholar, is just in the condition to begin with advantage a course of study, which would enable him, were he to persevere for several years, fully to comprehend, and to read with the utmost profit, this most learned volume. It is a mortifying confession, but it is nevertheless true, that in Great Britain we place the standard of scholarship somewhat low, and a young man not unfrequently leaves an university with the character of a good scholar, who, if his attainments were measured by a higher and more correct scale, would be found scarcely to possess such as he ought to have brought thither from school. As Niebuhr is truly learned, he is, of course, extremely liberal. It is unnecessary, therefore, to adduce proofs of a noble frankness and a generous forbearance, towards the mistakes of others. We will, however, extract a short passage:—

‘It is our duty attentively to investigate in what way the authors, through whom we derive our knowledge of ancient history, have been led to the misunderstandings they have fallen into, and thus to find an excuse for their errors, instead of abusing them. This, like every act of dutifulness, has its reward; for the discovery of the place where they went astray from the right road, establishes the course that it takes.’—P. 405.

He has the good sense to recognise, and the honesty openly to

declare, the vast merits of Aristotle, in an age when that philosopher is somewhat underrated; nor is he generally backward in awarding due honour to the deserving. Some, however, complain, that he follows the grand Teutonic canon of compilation, or plagiarism, which ordains, that wherever there has been the greatest appropriation, there the least acknowledgment should be made;—whilst others assert, that although it would have been endless to have enumerated all his authorities, still there is something in his tone, which seems to say, that whatever he relates, he discovered himself, and that modest men are sometimes offended by a certain self-sufficiency. Nevertheless, it would be too hard to require the poor bird to build her nest entirely of her own feathers. We admire the ingenuity of the structure, although the materials are borrowed. If he has taken freely from modern writers without acknowledgment, it is plain, that it was not through indolence; for he has never omitted to consult the original sources in the works of the ancients; and if he announces his opinions somewhat positively, whatever success he may have with his readers, he has at least entirely succeeded in convincing himself of the truth and certainty of what he advances.

The great learning and ability displayed in this work, forbid the application of such a word to it, even by the least friendly; they profess, nevertheless, to perceive in it those qualities, to which they would otherwise give the name of quackery; and it is certain, that the German *literati* exhibit them more frequently, than other and less mystical writers. We must remember, that a taste for paradoxes prevails very generally amongst the scholars in Germany; and since the fashion changes almost as often as in ladies' dresses in other countries, a new theory, however ingenious, becomes obsolete in a year or two, and is laid aside, and some other novelty in the same line, takes its place for a season. Strangers who are not acquainted with the usages of the learned, in requiring a constant and rapid succession of new objects, have been much surprised, on mentioning works of celebrity, replete with original and striking ideas, to learn that they were superannuated, and had been already superseded by more recent speculations. A scholar of great ambition, who desires always to occupy a place in the public attention, cannot safely rest his fame there upon one work, however extraordinary; he must bring out a constant supply of novelties. This fact will explain and excuse one peculiarity in the *History of Rome*,—we mean the unusual circumstance, that there have been two different recensions, or phases,—we know not by what name to denominate the two

editions of this work. The first edition more closely resembled its parents, the lectures, that were delivered at the opening of the university of Berlin,—that is to say, it is a collection of disquisitions on various matters, connected with, and illustrative of, the history of Rome. It was not, nor will it ever be, a history; and if the first edition was defective, it was chiefly in attempting to give what the work is utterly incapable of receiving,—a historical form. In the second edition, the attempt is renewed and carried farther, and it is still less successful. We have little doubt, that we should prefer the lectures themselves in their original state, to either of their descendants. A late writer, who seeks to arrive at truth by guesses, remarks, neither unhappily nor inappositely, that ‘histories used often to be stories: the fashion now is to leave out the story. Our histories are stall-fed; the facts are absorbed by the reflections, as the meat is sometimes by the fat.’ The first edition was translated by Mr Walter, and published in 1827, in 2 vols. 8vo. In this form the main points are brought out more plainly. We recommend the student, therefore, who is desirous to enter fully into the views of the author, to read this work first; and if the original lectures were accessible, to commence his studies with them; for he would thus receive the impressions in the same order in which they originally occurred to the learned professor.

Some critics hold, that the second edition is too much labour-ed, and, in fact, overdone. Be this as it may, the first, doubtless, presents a more faithful and lively picture of that extraordinary and indescribable state of mind, which is peculiar to men of learning of the German school, and which, in some degree, resembles the condition of a man who, in his zeal to consult all the authorities, has piled up so many open books around him on all sides, that he is at a loss which way to turn himself, and how he shall escape from the circle he has made. The second edition, moreover, being addressed to those who are acquainted with the first, will scarcely be intelligible to other persons.

There are some readers who complain, that since the two editions differ so much, we may expect to have a long succession of Histories of Rome, all differing from one another, yet all demanding our implicit assent to many startling novelties; and that it is somewhat unreasonable to insist upon being at the same time infallible and changeable—for infallibility accords with immutability, better than with perpetual mutability—and they add, that the History of Rome will be like an indictment or a declaration, with many counts, in each of which the same transaction is related in a perfectly different manner; and as a wise man once declared, that all his knowledge taught him was, that he knew nothing, so,

and affirms distinctly, that 'it is a very erroneous supposition, which represents races belonging unquestionably to entirely different families, as connected.'

The entire Peninsula bounded by the Alps and the sea, which is now called Italy, appears to be so fully entitled to the name, that the student is at first unwilling to believe, that it was originally applied to a very small portion of the whole. The well-known name anciently belonged to the southernmost extremity only; thence it advanced northwards, until it reached the Alps. Niebuhr refers to some passages in Strabo, which are quite satisfactory; and Aristotle, in the 7th Book of his *Politics*, writes, — 'The principal historians of that country inform us, that Oenotria received the name of Italy from King Italus,—a name comprehending at first the coast between the Scyllatine and Lametine gulfs, which are opposite to each other, and distant by land only half a day's journey. Italus is said to have changed the Oenotrians from shepherds into husbandmen, and to have given them other laws relative to their mode of life, and particularly those regulating his institutions, the public tables, τὰ συσσίτια, which remain in force among his descendants to this day. The Opici, who formerly had, and still retain, the name of Ausonians, extend themselves on one hand, towards the Tuscan Sea, on the other hand, towards the Ionian Sea and Iapygia. The Chaonians, an Oenotrian tribe, inhabit the country called Syrtis.' Italy, like its capital, Rome, increased to greatness from small beginnings.

Provoked by the arrogant pretensions, and somewhat ungratefully forgetting the great merit, of the antiquaries of modern Tuscany, Niebuhr has attacked unsparingly, and sometimes perhaps unfairly, certain of their favourite positions; we cannot suppose, therefore, that his *History of Rome* will be very popular at Florence. The clear-headed Italians, by the way, have studied the history of their own country most deeply and attentively; we may believe, therefore, that they know it best, and we would gladly learn their opinion of the present work. The Florentines would not approve of such passages as this:— 'The ruins of their cities, the numerous works of art which have been discovered, the national spirit of the Tuscans, who saw in them ancestors they were proud of; even the tempting enigma of a language utterly unknown; all this has drawn the attention of the moderns toward them above every other Italian tribe; and the Etruscans are at present incomparably more celebrated and honoured, than they were in the time of Livy. Unhappily the interest thus felt has not been combined with an equal degree of judgment and impartiality: men have not

'been willing to content themselves with knowing only what research could discover: and no part of literature relating to ancient history, contains so much that is irrational, hasty, and unprofitable, nay, uncandid, as may be found in what has been written on the Etruscan language and history, since Anniius of Viterbo.' Nor of the following:—'This last opinion so well sorts with an uncritical and ungrammatical treatment of the Etruscan language, that it will scarcely ever be entirely extirpated; unless the most brilliant discovery of our days—the explanation of the hieroglyphics, should be followed by, what there is much less room to hope for, that of the Etruscan language.' There are some other passages which would cruelly annihilate the immense and erudite labours of Lanzi and other eminent persons. His asperity towards the old inhabitants of Etruria, is the less tolerable, on account of the existence of certain genial sympathies, that usually promote good fellowship, and to the free indulgence of which we attribute the generous nature of German literature. 'Tuscany produces in abundance all the necessities of life, and the Etruscans were willing to enjoy the gifts of nature; the northern custom that prevailed among them, of feasting twice a-day at well-loaded boards, surprised and scandalized the Greeks, whose bodies were satisfied with the lightest nourishment.' He makes some reparation, however, in giving them a larger share in the glory of Rome, than is commonly allotted to them:—'All this has long since grounded a conviction that the Etruscans were a much more important constituent in the ancient Roman nation than is admitted, at least by the writers who are preserved.'—P. 330.

We extract also with pleasure the following testimony to a most interesting monument. 'Even supposing that the artist who executed the she-wolf of the Capitol was not an Etruscan, still in this work, to which there is nothing similar among the Greeks, we clearly see what Etruscan art must have been about the middle of the fifth century.—Considering how few monuments have been preserved to us from the early ages of Rome, it may pass for an ancient testimony of an actual popular belief recognised by the state, that in the year 458, bronze figures of the she-wolf and the babes were set up near the Ficus Ruminalis;—the oldest and finest work of Roman art, which, like the Homeric poems, has reached us, though so much that was more recent has been lost.' This curious group has been well engraved; the best engraving, however, conveys but an imperfect idea of a statue. We are not aware that a cast has ever been taken from it; to procure one for a

ational museum is an object worthy the intercession of government.

The disquisitions of Niebuhr, aided by a friend, of whom, after the manner of great and good men, he often speaks with enthusiasm—‘I here repeat the acknowledgment, a cherished memento of delightful bygone days, that I am indebted for this observation to Savigny’—have thrown much light upon a branch of knowledge that has ever been dear to the accomplished scholar, and of the value of which a just estimate may surely be selected, as the safest and most certain test of scholarship,—we mean the civil law. After having attained to that reasonable familiarity with the liberal sciences, which is essential to a good education, the best and most useful intellectual possession is perhaps a competent knowledge of law in general, built upon the noble and solid foundations of the Roman law; for this reason we would gladly unfold the nature of his illustrations, if such an exposition were at present practicable or desirable. We may remark, however, that his legal elucidations, acute and ingenious as they often are, receive not unfrequently a tinge from his characteristic love of paradox; as, for example, he seems to hold that laws in favour of the lender are commonly superfluous and oppressive to the borrower, because men, who are economically disposed, will save money under almost any circumstances, and will lend it on any terms. The Romans used remarkable diligence and extreme accuracy in determining the boundaries of land; the Heracleian tables, as illustrated by the prodigious learning of Mazzocchi, and many other monuments, show how much importance was attached to this office; but the mode of effecting it is an enigma, of which the solution has been lost: if a resolute determination to recover it were sufficient, Niebuhr would have been eminently successful. If the common practice of Italy, especially in the vicinity of Rome and in the southern districts, were carefully observed by a scholar, who was also a geometriician, and compared with the works of the Agrimensores, that still remain, it would probably be found, that tradition has preserved many of their usages, as well as the name of the ancient landsurveyors, which is still in general use. Charles von Savigny, to whom, as already observed, Niebuhr often refers with affectionate and respectful gratitude, has composed several parts of a most elaborate history of the Roman law during the middle ages: a translation from the German, of the first volume, by Mr Cathcart, has lately appeared, which has been executed not merely with great fidelity, but, we believe, under the actual superintendence and revision of the distinguished author.—But we

must quit this part of the subject, that we may point out a few of the other merits of the present work.

We remember to have seen it stated in an advertisement to some history, we forget of what country, that the author had never visited it;—a circumstance which he represented as a recommendation of his work. We remember also that it was sarcastically remarked thereupon, that this was undoubtedly one case of the grand fundamental theorem, on which the readers of the present day appear to form their judgment of authors, viz. that the less they know of any subject, the better are they qualified to treat of it. If the *History of Rome* be measured by this standard, it will be found wanting in excellence, for not only is the author amply furnished with every sort of learning that a historian of Rome ought to possess, but he passed also a long time in Italy and in Rome itself, and carefully examined the scenes of the events of which he treats; and the latter advantage imparts a reality and an air of truth, that greatly enhances the value of the composition. The predicament of place is that which gives the greatest trouble to persons who undertake to invent false testimony. In the oldest cross-examination, of which we have any report—in the case of Susannah, the Elders being separately questioned as to the place, where the alleged crime was committed, the one answered under one tree, the other under another; and by this contradiction the falsehood of the accusation was made manifest. Whenever a prudent magistrate, ‘a second Daniel,’ suspects the veracity of a witness, he repeatedly cross-examines him, with great minuteness and particularity, as to places. It is of great importance, therefore, that a historian should visit the country, where the actions that he intends to describe were performed; and we accordingly find in Niebuhr, although he is by no means powerful, or happy in description, many vivid touches of reality derived from his residence in Rome and his inspection of the countries of Italy, that are perhaps the most interesting passages in the work. In like manner, even the frigid apathy of Gibbon is sometimes relieved and warmed by similar gleams of humanity. Persons, who have themselves visited the spot, are affected by the fidelity of the traits, and those who have not had that advantage, recognise the tone of truth, although they are not able to confirm what they read by their own recollections. It would be easy to adduce many graphical passages in confirmation of our opinion; we take one example only. ‘Thirty years afterward, the successor of Æneas led the Latins from the unhealthy low grounds on the coast to the declivity of Monte Cavo, from the summit of which the eye commands a view more ample than the dominion of Rome before

' the Samnite wars ; in the light of the setting sun, it can reach
 ' Corsica and Sardinia, and sees the hill which is still illustrated
 ' by the name of Circe, like an island beneath the first rays of
 ' her divine sire. The site where Alba stretched in a long street
 ' between the mountain and the lake, is still distinctly marked :
 ' along this whole extent, the rock is cut away under it, right
 ' down to the lake. These traces of man's ordering hand are
 ' more ancient than Rome. The surface of the lake, as it has
 ' been determined by the tunnel, now lies far below the ancient
 ' city : when Alba was standing, and before the lake swelled to
 ' a ruinous height in consequence of obstructions in clefts of the
 ' rock, it must have lain yet lower ; for in the age of Diodorus
 ' and Dionysius, during extraordinary droughts, the remains of
 ' spacious buildings might be seen at the bottom, taken by the
 ' common people for the palace of an impious king which had
 ' been swallowed up.' We add a curious note by one of the
 reverend translators, we presume Mr Hare, which shows that
 he also had the benefit of inspecting the country, and possesses,
 in addition to his other qualifications, that of local knowledge.
 ' A similar legend is still current in the neighbourhood of Alba-
 ' no ; its outlines, as it was related to one of the translators by
 ' a peasant boy, who guided him to Frascati, are as follows :—
 ' Where the lake now lies, stood once a great city. Here, when
 ' Jesus Christ came into Italy, he begged alms. None took com-
 ' passion on him but an old woman, who gave him two handfuls
 ' of meal. He bade her leave the city, she obeyed : the city in-
 ' stantly sank, and the lake rose in its place. To set the truth
 ' of the story beyond dispute, the narrator added, *sta scritto nei*
libri.'—P. 169.

If it were our design to compose a panegyric on the *History of Rome*, many topics of praise might be drawn from the moral character of the work, which is almost universally high, noble, and admirable. Some critics would perhaps seek to convict the author of inordinate conceit, because he compares the pure history of classical times with such vile trash as the rude ballads of the North ;—as if he likened the clear sky of Italy with the dank fogs and damps of his native Ditmarsh, in which he affects to find all the elements of the constitution of the Roman republic. It is impossible to deny, that the excess of that virtue in the eyes of those whom nature has gifted with a sense of the ludicrous, may sometimes appear ridiculous : we must acknowledge nevertheless, that true patriotism is always lovely, and the expression of it commonly becoming.

As to the form of government which he prefers, Niebuhr is perhaps sometimes inconsistent, for he occasionally shows a

strange fondness for the most unequal of all things, universality and absolute equality: his opinions have probably undergone a change, for it is equally discreditable to the heart not to have adopted overstrained notions of civil liberty in youth, as it is to the head to adhere to them pertinaciously in manhood. He is too wise to attempt to decide the difficult problem of government off-hand, upon a scanty and sophistical definition; but he frequently professes to be an ardent admirer of limited monarchy, which he terms 'a conservative form of government.' There are many passages charged with mysterious allusion, which are intelligible to those persons only, who are acquainted with Prussian politics; and many other passages disclose a passionate dislike of aristocracy, or oligarchy. He adduces many examples of the rapidity with which a number of patrician, or aristocratical families die out in a state, so that in a short time the breed becomes entirely extinct. He is not friendly to the funding system; nor will he tolerate 'imaginary beginnings of things,'—'a primitive state of humanity,'—which, under the name of the infancy of society, is the favourite refuge of the dull sciolist: but it is impossible to enumerate the various bold speculations on miscellaneous matters that diversify a subject in itself attractive.

The enthusiasm of the author is a remarkable feature; he seems almost to believe, that he is inspired and called by Providence to undertake his task:—'the revival of Roman history is in accord with the spirit of the age; nay, our age, it seems to me, may discern, that it is immediately called by Providence to this enquiry, inasmuch as, within the eleven years since it commenced, three new and rich sources have been opened to us by the publication of Lydus, Gaius, and of Cicero's *Republic*; whereas, centuries had previously elapsed without adding any thing to our means of knowledge.'—Since Niebuhr himself discovered the palimpsest containing the work supposed to be the *Institutions* of Gaius, we cannot wonder that he attributes great importance to it. We think, however, that he greatly over-rates the value of these three pieces, if he would entirely change the aspect of Roman history on their authority; and he forgets that several authors, whom he contemns as modern, are of greater antiquity than Lydus and Gaius. We do not wonder at, or blame, his triumphant exultation on account of the finding of palimpsests; we own that we are rather surprised at the supineness of scholars, that no further search has been made, and that large additions have not already accrued to our classical library from sources that promise so much. As such great stress is laid on newly discovered authorities, and matters are decided so positively

thereby, the cautious reader will suspect, that the same question might perhaps have been determined in as peremptory a manner, although to an effect diametrically opposite, on the evidence of the old authority; or if new discoveries should be made, the last decisions would be repealed, and a new decree, equally binding on the conscience of the student, would be promulgated. It is alleged, moreover, that if we compare the different editions, we shall find many changes that have occurred spontaneously, and without additional materials; and it is sometimes objected, that a writer may change his opinion as often as he pleases, or he may be exceedingly positive, for the alternative is quite fair, and we ought to presume that there was a sufficient reason to justify the change; but it is hardly fair to be at once changeable and positive: nevertheless, the doctrines which a man has been the first to demonstrate, he may refute without scruple; he may exercise the rights of a Roman father, and put his children to death when they displease him.

An answer often suggests itself readily to Niebuhr's suppositions; but they are not the less remarkable on that account: he often seems, indeed, to be indifferent to the fate of a proposition, and so that it be new and startling, to be utterly regardless whether it is likely to be accepted and remembered as a maxim, or instantly rejected, by the least attentive reader, as a manifest sophism. Speaking, for example, of certain ignominious and disastrous defeats, he adds;—‘all this misery results from the blind struggles of the patricians, for a moderate suspension of the bitterest grievances by the legislature diverts this torrent of external evil, and as physical inflictions usually accompany the *deserved* pressure of domestic and foreign evils, when a nation has thrown itself into convulsions, which affect the very principle of its existence; so there occurred twice in this calamitous period a plague of the most horrible description, and as often was the Roman nation reduced to the extremity of famine.’ It is plain to every one, that the horrible plague and the extreme famine afflicted the whole of the Roman nation, not merely the Patricians, (for they were few in number,) whose blind struggles were the cause of the convulsions; and that so far from being *deserved*, as the great body of the nation, according to Niebuhr, was subjected unjustly to the bitterest grievances, the additional pressure was peculiarly undeserved. In order to attract attention to a subject nearly worn out, it may be necessary for a man of learning to be somewhat eccentric: we doubt not that Niebuhr smiles in secret at the extravagances in which he has indulged, and that they have been so greedily seized upon by the uninitiated. He speaks often

for the same reason of the contents of lost works, with perfect familiarity, as if he had perused the old annals, the volumes of the Pontiffs, and even the Sibylline books themselves; and he takes Livy, and especially Dionysius, to task for having read them imperfectly, and without understanding their contents: such is the essence of critical history, and indeed of all criticism, for what would a critic be, unless he held himself out to the world as being wiser than his betters? The most cautious writer, however, occasionally deceives himself, and imagines, that he knows what cannot possibly be known. If ever there was an author who abstained from rash assertions, it was Sir Isaac Newton, yet we read in his *Chronology* these words.—‘So in the time of Noah’s flood, when the moon could not be seen, Noah reckoned 30 days to a month,’—even this temperate philosopher here takes upon himself, without the shadow of authority, to affirm positively, that the moon could not be seen during the flood, and that Noah used a particular computation of time. If a cool and temperate mathematician could unconsciously slide into unauthorized assertions, an ardent mystic, whom nature has certainly gifted with a peculiar aptitude for cutting off the wrong leg, however learned and ingenious he may be in general, will frequently doubt of what is well established, and will believe what is utterly incredible; and, indeed, the temptation is very powerful to place entire and implicit reliance upon remote and abstruse reasons,—such a ready faith seeming to be but a just reward for the trouble and astuteness, which the discovery of them required.

The Germans are happy in possessing several excellent works of a very valuable kind, in which the literature of most countries is unfortunately deficient, we mean Translations of the Classics, that are at once faithful and spirited. In his peculiar manner, Niebuhr expresses his hearty gratitude to the most distinguished benefactor of German letters. ‘We had now a literature worthy of our nation and language; we had Lessing and Goethe; and this literature comprised, what none had yet, a great part of the Greek and Roman, not copied, but, as it were, reproduced. For this, Germany is indebted to Voss, whom our grandchildren’s children and grandchildren must extol as their benefactor; with whom a new age for the knowledge of antiquity begins, inasmuch as he succeeded in eliciting out of the classical writers what they presuppose,—their notions of the earth for instance, and of the gods, their ways of life, and their household habits; and understood and interpreted Homer and Virgil as if they were our contemporaries, and only separated from us by an interval of space. His example

'wrought upon many: upon me, ever since my childhood, it has been enforced by personal encouragement from this old friend of my family.'—Pref. p. 8. Of the thanks which he offers to the old friend of his family, Voss, we gladly, in our turn, present a due share, or rather, we would bestow, for the encouragement of accurate translation, a greater share, if it were possible, than is due to the two learned Fellows of Trinity College in Cambridge, to whose patient industry our country is indebted for the present volume.

The author of the *History of Rome* has received singular encouragement, and extraordinary rewards; he was appointed ambassador to the Holy See, not because the King of Prussia, as a learned Prussian once observed, was likely to have many disputes with his Holiness about the frontiers of their dominions, but the legation was created for the express purpose of enabling his Excellency to enjoy advantages and facilities, in pursuing his enquiries at Rome, which he could not have had in any other manner. On his return, to induce him to arrange his materials, and make his views public, the Professorship of History was founded for him in the University of Berlin; he was adorned, so far as a monarch can add to the honours of such a man, with many orders and other decorations; and as a further recompense, that he might pursue his studies in an agreeable literary retirement, he was attached as a supernumerary, under the name of a Free Associate, to the University of Bonn; but

——— "quæ munera fati,
Acta viri pensare queant?"

The means of rewarding literary merit are as ample in Great Britain as they are scanty in Prussia, where the government and individuals are as notoriously and proverbially poor as they are opulent here; nevertheless, the writer of a work, equally distinguished by solid learning, useful instruction, and profound and liberal views, would find that there was no embassy or other public mission ready to promote his researches—that no University would open her arms to receive him—still less would badges of honour be accumulated upon him: it is not impossible, moreover, in a nation of proud freemen, however it may be amongst the slaves of a military despotism, that, if he were to state freely and fearlessly, although with moderation and judgment, the result of his enquiries, the ordinary courtesies of life would be paid to him less cheerfully than to the most ignorant and useless of his fellow-citizens. Niebuhr, having spoken in a philosophical tone of certain matters connected with, but not constituting, the essentials of our faith, was unfairly stigmatized as

'a pert and dull scoffer;' and his translators were blamed for a dereliction of duty, because, contrary to the office of clergymen, they had published his reflections. They instantly, and triumphantly, repelled the rash and foolish calumny. The German theologians, whatever may be thought of their orthodoxy, when they are measured by another standard than their own, are entitled to our sincere admiration for their learning, ingenuity, and good intentions; and they have rendered the best service, by reconciling the study of divinity with the enquiring spirit of the present age. The rude attack could originate only in complete ignorance of the effects of their elaborate erudition: we refer to it, that, by indicating some of the passages which probably occasioned it, we may enable our readers to exercise the most honourable privilege of a freeman, that of judging for himself, and to discern how totally even the colour of probability is wanting. It is by prejudice alone that the observation concerning the origin of nations, p. 44, can be misconstrued. The description of the ritual books of the Etruscans, p. 116—the allusion, p. 163—the reflections, p. 189—and the comparison in the note, p. 214, cannot justly be blamed; nor can an Englishman be displeased that he distinctly recognises in his preface 'Gibbon's History, as a noble master work.' We have already compared him to Hardouin on account of his bold and ingenious scepticism; it is fair to add, in the language of the epitaph of that celebrated Jesuit, 'scepticum piè egit.'

The translators have executed their arduous task with exemplary loyalty and fidelity. They have added very few to the 1298 notes of the author: all the notes are short, consisting, for the most part, merely of references. It is a satisfactory proof, that the author has not abused the liberty of citation, to find, that although they appear to be few, they are, in truth, numerous, as the reader will readily discover, who undertakes to verify the references even of a single chapter. German books, more commonly than those of any other nation, have no index; but, in truth, they most need it, for the authors are frequently wanting in method; we may add, that they deserve it, being learned works, and worthy to be consulted. Since there are so many Universities in Germany, and so many poor and accomplished scholars, it would be easy, whenever an author is too much occupied by more important pursuits to undertake the office himself, to have it performed carefully and copiously by others, and at a cheap rate. Should the *History of Rome* be completed, we trust, that if this deficiency exist, it will be remedied by the industry of the translators.

Persons who disfigure their thoughts by a rude and barbarous

style, usually affect to despise those who write correctly and gracefully,—calling them contemptuously, rhetoricians, and pretending to hold rhetoric in scorn, and to deride the whole theory and practice of eloquence; and they insinuate, that they could easily acquire all the graces of speech, if they would stoop to pick up such trifles. So odious, indeed, is a good style to them, that they pronounce the offender to be superficial, and in proportion as his manner is elegant, and that of his detractors rude, they declare that he is deficient in sterling worth and solidity; in like manner, an entertaining, and especially a witty writer, is condemned by the unanimous consent of the dull and dry as an impertinent trifler; and they protest that he cannot be in earnest, because he is not insufferably tedious.

The writings of Livy may be offered to the student of rhetoric as containing models of almost every excellence within the compass of the art; the *History of Rome*, on the contrary, we lament to say, will afford him specimens of all the faults, except the lowest, that it behoves him to avoid: Niebuhr, accordingly, although he acknowledges the oratorical pre-eminence of the Paduan, reiterates, with tiresome frequency, the old complaint, that he is careless, inaccurate, and superficial; and he even outrages the undeserved censure, and gravely speaks of him as a mere poet, as ‘that sublime poetic genius that invented the Tarquinian epopee,’—as if it had not been invented, save a few errors and inconsistencies that have crept into the ancient tradition, by the same power of truth and nature that invented the permanent poetry of the visible world. The *History of Rome*, being unattractive in manner, and unlikely to interest the general reader, even in the hands of a merciful translator, as the first edition, which was fairly rendered by Mr Walter, sufficiently proves, has been made far more repulsive by the austerity of the last interpreters; who, breathing incessantly the ‘disciplina tetrica et tristis veterum Sabinorum,’ and resolved that nothing of the heaviness and unripeness of the original, ‘C. Gracchi impetum aut L. Crassi maturitatem,’ should be lost, by aggravating whatever most required mitigation, have produced a volume, for reading which it should seem, at first sight, that a plenary indulgence ought to be granted, as for a long and dangerous pilgrimage.

The Germans conceive it to be a point of honour to write mere pure German, and Niebuhr, who is a passionate lover of all extremes, seeking excellence in excess, is uniformly and systematically most Teutonic: his trusty translators, animated by the like national fervour, strain every nerve after undefiled English, and commonly lose what they aim at by overstraining. It

would be easy to produce much that is *unenglish* (they freely use the adjectives 'ungrecian,' and 'unitalian,') in phrase and collocation; we must content ourselves, however, with selecting a few of the uncouth and barbarous words which swarm in this translation, such as 'eupatride,' 'a phyle,' and 'a deme,' 'phratryes,' and 'curies.' Why do they hesitate to call the *comitia calata*, *calated comities*; or why will they not learn that there is no use in attempting to give names, with an English termination, to institutions peculiar to Rome or Athens? We have 'tribules,' 'isotely,' 'timocracy,' 'timocratical,' and 'jugers: ' we find 'secles,' and 'lustres,' the latter confounding a period of time with a candlestick; yet for the sake of precision, and to avoid equivocation, the plural of an as, is written 'ases,' instead of asses, the ordinary form: the denarius is called 'a denary;' and we have 'the Odyssee,' 'a simily,' 'nobless,' and innumerable offensive novelties: if, indeed, these children of light were required to pay a farthing a-piece, or, as their parents express it, 'a quadrant a-head,' for the right of being adopted amongst their benighted brethren, the established citizens of our language, the whole amount of the fees for admission would be considerable. It is fortunate that a neologist can injure no one but himself; he fastens a millstone round his own neck, but he is unable to corrupt the integrity of the language he seeks to deprave. If this macaronic dialect could unhappily establish itself in our island, we should lose the privilege we have long enjoyed of laughing at our neighbours on the Continent for calling 'the 'sublime poet,' *Tite Live*, and for stewing down Aulus Gellius, and serving up a fricassee of the respectable antiquary as *Aulu-gelle*. Having known some of the philosophers of the Anglo-German school, we are not disposed to undervalue their abilities; we regret, however, that in the choice of paradoxes, they seem to have no other guide than monstrous caprice, and we are sorry that whatever is peculiar in this translation, tends to confirm, and not to weaken, an opinion we have adopted with reluctance. But our objections respect the form only, not the substance.

The translation of the *History of Rome* has given a powerful impulse to the study of Roman antiquities, which had hardly at any time been pursued in Great Britain on the large and generous scale which the subject deserves, and had languished and dwindled away of late, together with certain other portions of good letters, to such puny dimensions, as to make tolerable, if not absolutely just, the remark of a satirical observer, that such is the literature of the present day, that a wise and pious man ought daily to return thanks, that no prince or

people has power to force him to read it. Although the work be somewhat repulsive at first, for the reasons we have mentioned, and because the narration is obscure and confused, and the frequent figures lame and impotent, it gains upon us, nevertheless, in a wonderful manner, the more we study it; and we may pronounce that reader to be inhuman, whose good-will and affection are not gradually conciliated by the prodigious stores of moral and intellectual learning, which the admirable author pours forth '*blandè et doctè*,' and with a copious and perennial stream, perpetually passing by, yet always full, like his Rhine; or, like the still more inexhaustible philosophy of the ancient world.

The work is valuable as it greatly confirms the truth of the ancient histories, by showing that the most learned and ingenious sceptics have not been able to make out a strong case against them. It is valuable, indeed, on many accounts, and especially because it is an express type and image of the genius of the times—a mirror that faithfully reflects the prevailing notion, that the wisdom of a single individual far transcends the traditional experience and accumulated wisdom of ages. This notion affords full scope to bold speculations, but it tends to isolate the present generation, and every other that shall encourage it, and in some degree to deprive us of whatever assistance we might derive from anterior good sense. Niebuhr's work is a practical illustration of the infinite difficulty of adjusting the rights of private judgment and of authority. The Benedictines themselves, in selecting the lives of their saints for publication, exercised some degree of critical discrimination; they did not accept every act as sincere because it was miraculous. These learned and magnanimous champions of the claims of credulity did not venture to lay down broadly the fundamental proposition, It is improbable, therefore it is true. Nor does even Niebuhr, on the other hand, take upon himself to rule, That since it is not probable in my eyes, therefore it never happened;—I would not have said it, I would not have done it, therefore it was never said or done;—believe it at your peril. If we desire to determine the precise latitude and longitude on the map of the mind of the golden mean between scepticism and credulity, the present volume affords valuable materials, and food for eternal reflection. As to the conclusions of the author, many will be inclined to class them amongst the learned toys of the age, like those manufactured by another ingenious toyman, Jacob Bryant; no one, however, can deny, that, like the playthings of our countryman, they will serve to promote learned discussion.

We have chosen rather to give our own notions respecting the

History of Rome, than to repeat and examine what others have written, either against or in support of it; our limits would not suffer us to do both, and we have spoken of this remarkable work with the same candour and openness, which we desire our fellow-labourers in the vineyard of good letters will use in speaking of our labours on the present and on all other occasions. It is not from insensibility to the great merits of the work, and the gigantic learning of the author, that we have sometimes adopted plain, perhaps homely, expressions importing censure; it is because we have perceived a tendency in his mode of treating the subject, although we believe it to be entirely involuntary, to diminish the reverence for Roman story and Roman institutions, which, for various reasons, we would largely augment and widely extend. We love Cæsar much, but Rome more.

ART. IV.—*Memoir of the Life and Public Services of Sir Stamford Raffles, F.R.S., particularly in the Government of Java in 1811-16; and of Bencoolen and its Dependencies, 1817-24. With Details of the Commerce and Resources of the Eastern Archipelago; and Selections from his Correspondence.* By his Widow. 4to. London: 1830.

WE think it prudent to state, in the very outset of this article, that our intention is really to review Lady Raffles's book—not to compose a disquisition on the East India or China question, or, indeed, to enter upon any general views of those momentous topics which crowd upon the imagination, whenever we allow it to double the Cape. Such an assurance, on our part, is necessary, as there is, perhaps, nothing more striking than the difference which exists between readers, as to the degree of relish with which they peruse a work upon almost any Oriental topic. To those who have visited the countries alluded to, hardly any thing comes amiss; for it is sure, in one way or other, to bring back to their minds scenes, as well as circumstances, which they alone can appreciate, and which never cease to occupy a brilliant place in their imagination. While, on the other hand, it unfortunately, though not very unnaturally, happens, that to people who have not visited the East, Indian subjects, whether treated in conversation or in writing, are almost proverbially dull; and, accordingly, it requires, at all times, some extrinsic circumstance, if we may so call it, to give popularity to the topic.

There seems to be no method of securing attention more infallible, on any subject, than that of linking it to our feelings,

by some of those touches of nature which are true to every country, and which, if duly expressed, engage our sympathies in spite of ourselves. We need not refer to an instance, fresh in every one's thoughts, in which the ordinary journals of an amiable and observant man, together with the business letters which he wrote in the exercise of his official duties, have thrown a most uncommon degree of interest on topics which, if treated in the usual formal style, might have engaged the attention of none but the members of the Oriental Club.

The present publication, like that above alluded to, is brought forward by the widow of the distinguished person whose life and services it records, and although, in many respects, no two works can be more dissimilar, we are greatly deceived if they do not bear a companionship in interest, which is rare enough in the management of Eastern subjects. The nature of the duties which Bishop Heber and Sir Stamford Raffles had to perform, were, indeed, so widely different—the field which their talents and public spirit, as well as their private virtues, had to display themselves upon, were so remote from one another—and their training, also, as far as the East was concerned, had been so opposite, that the wonder is, how identical, in many cases, the opinions and views of the two writers really are.

Our purpose, however, is not to push this comparison any farther, but rather to give such an account of the work before us, as may induce persons desirous of information on questions which are every day increasing in importance, to investigate these matters for themselves. It is one of the misfortunes invariably connected, we fear, with our remote dependencies, that every thing suffers diminution in proportion to its distance. Not only the most momentous concerns, but services the most distinguished, and the best calculated by their example to be useful at home, are either lost sight of entirely, or come to our knowledge in so distorted and feeble a shape, that we often refuse our approbation to measures which deserve, and would receive, our highest praise if they had occurred nearer home. To persons who have visited those remote frontier stations, as they may be called, of our mighty empire, whether in the Western or the Eastern hemispheres, the evils which spring from this source are but too evident. We have been travellers in our day, and we feel anxious to call the attention of our readers to incidents which, when viewed on the spot, as we know by experience, possessed the liveliest interest. Many of these events are described in this book, and with such graphic, as well as historical truth, that they cannot fail, we are persuaded, to impart a considerable portion of their interest, even to persons en-

tirely unconnected with India, or that immense and little known archipelago lying beyond it.

The East India Company's service is distinguished from most others in which our countrymen are engaged, by the vast extent of its range, compared to the number of persons by whom the duties are to be performed. As an examination of the consequences which flow from this peculiarity alone, would furnish matter for a long discussion, we shall perhaps some day return to the subject. In the meantime, we have merely to remark, that one very important effect of this state of things, is the power it confers upon the local administration, of ascertaining the precise amount of talent at its command on any exigency, and thus enabling Government to select the fittest men for executing any description of service that may be required. In India, the character of every man is perfectly well known; and although it be impossible to tell, from the first, in what way any given person will carry a new set of measures through, the heads of the Indian government are never at a loss, at the moment of greatest need, to procure the service of men who are fully competent to the task assigned them. We do not, of course, mean to say that all our Oriental measures are wise and good; but merely, that there is never any lack of talent to carry them through with the fullest efficiency. Accordingly, *failure* is a word scarcely known in our Eastern diplomacy or warfare. The rise and progress of Sir Stamford Raffles's fortunes, as well as the whole course of his public services, afford a most interesting, and we think instructive, illustration of the nature of the Indian system, above alluded to, as applied to the cultivation and employment of talent. This particular service, it may be remarked, carries a striking degree of what may be termed natural justice in its composition; for while it is absolutely fatal to ignorance or dishonesty, (though it makes ample use of mediocrity for executing those humble duties which must be performed by some one,) it not only raises talents and genius of every kind to the surface, but never fails to keep them there as long as they can be useful. By thus furnishing all men's energies with adequate motives to action, no portion of their powers is allowed to be wasted, but their whole abilities are turned to the greatest public advantage of which they are capable.

The readiest, as well as the most satisfactory, method of giving a correct idea of the important subjects treated of in this volume—many of which are almost entirely new—will be, to give a loose sketch of its contents, in the order in which they stand, with occasional passages in illustration. This will, at the same time, serve to show how the task has been accomplished, and enable

persons who are curious in such matters, to select from so great a mass of original materials the subjects which they conceive of the most consequence.

Sir Stamford Raffles was born at sea, in the West Indies, in 1781, and the complexion of his life is not a little in character with its commencement. He enjoyed no rest, and, indeed, the varied course of his political history has something in it so much allied to the desultory career of a sailor, that our attention is kept constantly alive by the adventurous nature of his proceedings. We are only surprised, indeed, that with such numerous temptations to try political experiments on a great scale, almost all his measures should have been found, in the long run, so substantially constructed. In 1805, the Court of Directors formed an establishment at Pulo Penang, since called the Prince of Wales's Island, close to the western shore of the great Malay Peninsula, and not far from the northern entrance of the well-known Straits of Malacca. Mr Raffles, then a clerk in the India House, was appointed assistant secretary to this establishment. His facility in acquiring languages was so great, that on the passage out, he obtained such a knowledge of the Malayan dialect, that he entered with efficiency on the duties of his office as soon as he arrived. The principal weight of the duties incident to the establishment of an entirely new government fell upon Mr Raffles, in consequence of the absence of the chief secretary; and the fatigue and responsibility of his numerous occupations, in a climate which, in a very short time, proved fatal to two governors, all the council, and many of the new settlers, at last brought on an alarming illness. This obliged him to proceed, in 1808, to Malacca, which lies on the mainland, and farther to the south, for the recovery of his health. This visit, however, was of the highest importance to himself, and eventually to the public service, as it gave him the means of making a personal acquaintance with the varied population congregated at Malacca from most of the countries lying on the coasts of Asia, and the great Eastern Archipelago. Natives of India, China, Java, Amboyna, Celebes, the Moluccas, Borneo, and Cochin China, are always to be found at this great half-way house between the eastern and western portions of that populous region. This busy scene was afterwards shifted to a far more eligible spot, Singapore, as will be found in a subsequent part of this article.

With many of these people he conversed personally; with others through the medium of interpreters; and to this early habit, which he always retained, of associating with the natives, and admitting them to intimate and even social intercourse, may be attributed the extraordinary influence he obtained over them,

and the respect with which they always received his advice and opinions.

‘The knowledge which he thus acquired of the different products of the neighbouring countries, of the nature and extent of their trade, of their *customs, manners, and feelings*, greatly assisted him in the discharge of those high and responsible duties to which he was subsequently called.’—P. 8. We have put three words of the above extract in Italics, to point out what, in fact, was the real secret of Sir Stamford Raffles’s uniform success in the negotiations upon which he entered with the natives of those almost unknown regions. The natives, indeed, discovered, with a sort of intuitive readiness, which it was delightful to witness, that his conduct was at all times regulated by the most rigid principles of good faith and public spirit; and when to this was added a conviction on their part, that he was acquainted with their language, knew all about their peculiar habits, and, above all, that he entered into and respected their feelings, not from mere policy, but from real good will, they yielded themselves up to his guidance, as to that of a superior being. His matchless temper, also, his fertility in resource, and the extent of his knowledge of the rest of the world, enabled him, when occasions of difficulty occurred, to meet and to surmount obstacles which ordinary minds would have shrunk from altogether. It often happened, therefore, that circumstances which, in their first aspect, threatened to diminish his influence, invariably contributed, by his skill in applying them, to augment his power. Two incidents, apparently of no great moment, occurred shortly after Mr Raffles’s arrival in the East to give a right direction to his researches. The first of these was a correspondence commenced by Mr Marsden, so well known in the literary world; and we confidently refer to every one of the letters in this volume, to and from that gentleman, as containing more interesting matter concerning the languages and customs of the Malay Archipelago than will be found (at least in so popular a shape) in any other publication with which we are acquainted. The second incident alluded to, was a personal acquaintance with Dr Leyden, whose ardour in the pursuit of Oriental languages, and knowledge of every kind, found admirable companionship, and the most invaluable assistance, in the kindred tastes and pursuits of Mr Raffles.

We have thought it essential to state these particulars respecting Mr Raffles, in order to account for the extraordinary rapidity of his promotion, from a very subordinate situation, to an office of the highest power and responsibility—the government of the island of Java, containing not fewer than six millions of

inhabitants, brought, for the first time, under the gigantic influence of the British rule.

In the year 1810, an expedition for the conquest of that island was undertaken by Lord Minto, then Governor-General of India. In forming the arrangements for the conduct of this enterprise, and the measures to be adopted in the event of its success, the government were guided chiefly by the information collected by Mr Raffles. Bonaparte, it will be recollected, had, about this period, annexed Holland to France, which, of course, placed at his disposal the extensive insular possessions of the Dutch in the Eastern Seas. To say the least of these islands, they were as important to Holland, or to the power influencing Holland, as the continent of India was to England. France, accordingly, looked to Java as the point from whence her operations might be most successfully directed, not only against the political ascendancy of England in the East, but likewise against her commercial interests both abroad and at home.

To defeat, by one decisive blow, all the enemy's hopes on this point, was the primary motive to this grand expedition, which Lord Minto undertook upon his own responsibility, and prepared to execute with a degree of vigour worthy of the statesmanlike sagacity which conceived the project. The Mauritius, and all the other French islands, being first reduced, large bodies of troops were left free for the main object; and early in 1811, it was proposed to commence operations against Java. In the meanwhile, the sanction of the Government at home, for this important enterprise, reached Lord Minto, clogged, however, with conditions which, to use our accomplished biographer's own words, 'show how difficult it is to legislate for distant countries, and how careful those in power ought to be, not only in the selection of men to fill public stations, far removed from the source of authority, but also not to tie them down too closely to any specific rule of action.'—P. 24.

We would venture to make one small change in the above sentence, and for the words *rule of action*, to substitute *line of conduct*; for it is quite competent, we think, to authorities, at any distance, to decide upon the rule of action—but by no means to specify in detail the line of conduct by which that rule shall be adhered to. They may say, 'Conquer such and such a possession of the enemy, if their subjection be absolutely indispensable to the safety of our own state; but in doing so, you may proceed as you please, only taking care to observe the strictest good faith with all parties, and the laws of ordinary sense and prudence in settling the countries you conquer.'

Now, the Court of Directors were of opinion that the mere

expulsion of the Dutch (that is to say, the French, who, in fact, were masters of the island) from Java, was all that ought to be contemplated by this expedition, and that stores and arms having been distributed to the natives, the conquered island was to be evacuated by the British troops, and turned over to the Malays and Javanese. To persons unacquainted with Eastern subjects, there may not appear, at first sight, any thing so very outrageous in this suggestion. But we venture to say, that no one who has attended, in the least degree, to the nature of Indian sovereignty, will deny, that, to disengage suddenly any of those Oriental nations from the military subjection under which, in one shape or another, they have existed for centuries, would be instantly followed by the most calamitous consequences to all parties concerned. Lord Minto, accordingly, took upon himself to modify these instructions. ‘Indeed,’ as Lady Raffles judiciously observes, ‘it could never be supposed, for a moment, that a body so enlightened as the Court of Directors could deliberately sanction such an expedition, without taking into account all the consequences. The mere object of destroying the ascendancy of an ancient European colony, however legitimate in itself that object might be, considered as a means of weakening a declared enemy, could hardly be justifiable, if it were to be followed up by a transfer of that enemy’s power to the hands of millions of uncivilized people, who would instantly annihilate the whole population of their ancient masters. Such, however, would inevitably have been the consequence of an exact obedience to the orders of the Court of Directors. It is precisely on such an occasion that the talents, the prudence, and the local knowledge of a distant authority are necessary to be called into action.’—‘It is true,’ adds the writer, in language worthy of the attention of every officer, ‘that, by incurring the responsibility attached to such a departure from his orders, the individual may sometimes risk both his fortune and his fame;—*but no man is fit for high station anywhere, who is not prepared to risk even more than fame or fortune, at the call of his judgment and conscience.*’—P. 25.

In this wise and manly spirit, Lord Minto conceived that, on the conquest of Java being secured, a provisional government must be established, to supply to the inhabitants the protection which would be lost by the abolition of the Dutch authority as a government, without, however, excluding persons of that nation from places of profit and trust. He proposed next to form such connexions with the native princes and people as might be so manifestly beneficial to themselves, that they should become sincerely attached to our alliance, and have a real interest in co-

operating with us in the establishment of tranquillity and national prosperity over the island.

These, in a few words, were the principles upon which Lord Minto undertook the expedition; and such were afterwards the simple, but honest, rules which guided both his lordship and Mr Raffles, and from which they were never turned aside by any motives of seeming interest, or of difficulty in the execution. Alas! for the poor Javanese, that a line of policy so wise, and, we may add, so profitable both to them and to their new masters, should have been sacrificed at the shrine of remote interests or intrigues; or, which is the same thing, should have been abandoned through that ignorance which springs out of distance.

We have not room to give even a faint sketch of the progress and successful accomplishment of the admirably conducted expedition against Java, which the Governor-General accompanied in person, to the astonishment of the grave folks at Calcutta, as we see described in a very amusing letter of Dr Leyden, p. 26. No one, however, should skip over this part of the book, (Chapters II. and III.) as it lets a stranger into many of the secret movements of those mighty political earthquakes, of which—as in the case of the physical revolutions of the globe—we generally see nothing but the effect.

The troops were landed near Batavia on the 4th of August, 1811; and on the 26th, the decisive battle of Cornelis was fought. On this occasion, a series of powerful redoubts or batteries were captured, and the whole of the enemy's army, amounting to ten thousand well-organized French and Dutch troops, were either killed, taken prisoners, or dispersed. The despatch of the commander-in-chief, Sir Samuel Auchmuty, given at page 91, will be read with much interest, even at this distance of time. We remember long ago hearing an anecdote related, when we were wandering not far from this memorable spot, which, as it tends to bring such scenes closer to our imaginations than the formalities of a Gazette, we shall repeat as it was told us by an officer, we think of the 78th regiment. In the evening, when the hard-fought action at Cornelis was over, and matters in some degree restored to order, the native servants of the regiment, having nothing to do with the fight, had gone on cooking as usual, and at the proper hour laid out dinner in the mess-room tent, in the rear, as if nothing had happened. The remaining officers of this regiment, which had been exposed to the hottest fire of the day, assembled accordingly; but on taking their places at the table, they became sensible, for the first time, of the terrible blanks which a few short hours had made in their numbers,—

and, looking at one another for an instant, in grief and silence, rose and separated, leaving the meal untouched !

The first grand point being gained, by the total defeat of the French, Lord Minto, who knew the vast importance of having a man he could thoroughly depend upon, stepped over all etiquette, and appointed Mr Raffles Lieutenant-Governor of Java and its dependencies. The charge was of the most extensive, arduous, responsible nature, comprising, in the island of Java alone, a population of nearly six millions, divided into thirty Residencies, under powerful chiefs, who had long been desirous of throwing off the European yoke, and who were, consequently, by no means disposed to submit quietly to the rule of their new governors.

The principal difficulty, however, which Mr Raffles found in establishing a regular government in the island of Java, which should at once be useful to the natives, and honourable to England, did not arise so much from the character of the persons over whom he was placed, as from the evil consequences of a long system of maladministration which had gone before.

‘ In order to appreciate the difficulties of the situation in which Mr Raffles was placed, the extent of the changes which it was requisite to introduce, and the views which he formed of the principles of government, it will be necessary to advert very briefly to one or two leading principles of the Dutch rule.

‘ One of the chief sources of the Dutch revenue was the monopoly by government of the grain and other produce of the land, which the cultivators were required to deliver at an inadequate and arbitrary rate, which articles were afterwards dealt out to the consumer at a far higher price, so that, in fact, the whole body of the people depended on the government for their very subsistence. The principle of encouraging industry in the cultivation and improvement of the country, by creating an interest in the effort and fruits of that industry, was wholly unknown.

‘ The mode of collecting this revenue in kind remained with the Regent of the district, leaving the cultivators no security beyond the claims of usage and custom ; and although custom prescribed a certain portion only of the crop to be delivered, there were no positive means of preventing a greater levy. Thus, while the power and influence of authority could be successfully exerted to stifle complaints, the peasant, though suffering the greatest injustice, despairing of relief, would endure almost any privation and suffering, rather than quit the land of his forefathers, to which he felt himself attached by the strongest ties of religion, of habit, and of affection.

‘ Feudal service was another of the grievances and oppressions under which the natives groaned. No means existed of affording a direct control on the demands for labour. The public officers of the Dutch government universally employed the services of the people without regular hire. Their demands were unlimited. The native chiefs followed the

ne system. No check existed; and thus the energies of the people re crushed, and their labour frittered away, becoming productive neither themselves nor to the state. In short, they were reduced to the lowest state of vassalage and subjection. To this ruinous system was to be added the pressure arising from the failure of external commerce.

‘ The Dutch government, forced to look within itself for relief, discovered the embarrassments to be daily increasing. Under this exigency, the funds of public societies were appropriated to the government treasury; and the private property of individuals was forcibly borrowed in the same manner. An arbitrary increase of paper-currency was issued, to provide for the daily expenses of the State; and this being found inadequate, the government were compelled to deliver a proportion of colonial produce in payment of these establishments, or, in other words, to pawn the produce in store, to satisfy the current demands upon the public treasury. Such was the financial state of the country at the period when the English assumed the administration of Java.

‘ It would be endless to notice the difficulties and obstacles which occurred in the establishment of a pure and upright administration. Not only was the whole system, previously pursued by the Dutch, to be subverted, but an entire new one substituted, as pure and liberal as the old one was vicious and contracted; and this was to be accomplished and carried into effect by the very persons who had so long fattened on the vices of the former policy. Some few were sufficiently enlightened to perceive the advantages of the new system: two of these, Mr Cransen and Mr Muntinghe, on this account, were regarded by Mr Raffles with the highest esteem.

‘ Those who know how difficult it is to carry on a government, even where the choice of agents is great, where each well knows the duty which he has to perform, and where the state of society is such, that every man acts as a check upon his neighbour, will be able to appreciate the labour and the anxiety which devolved on Mr Raffles, when Lord Minto left him to arrange the details of that system of which they had together formed the outline.

‘ Buoyant in spirit and firm in courage, when once he had adopted a right principle of action, Mr Raffles was keenly alive to the difficult and arduous task which he had to perform; responsible for all, at a distance from any superior authority, without one individual with whose principles he was acquainted, and of whose abilities he had any experience; yet forced to set the wheel of government in motion, and to watch its progress with unceasing attention, whilst all the details of every department were to be formed by himself; nothing but the facility of arrangement which he possessed could have accomplished so much with so little assistance, and in so short a time.

‘ The manner and time of bringing about this change, however, required the most serious consideration; and before he took any decided step in the new organization, he instituted statistical enquiries in every district; and collected the most detailed information in every department; the result of which convinced him that a thorough change in system was not only advisable and practicable, but indispensable, no less for the interests and honour of the British Government, than for the happiness and prosper...

of the country at large. He examined minutely every department ; drew up himself every detail and instruction for the agents which he employed, and with all the courage of a pure and ardent mind, commenced that thorough reform, which with unwearied assiduity he laboured to establish during the whole period of his administration.'—P. 99.

Mr Raffles saw his way clearly enough in principle, but he knew well that unless these principles, without being altered in spirit, were adapted to local circumstances, their operation would either be nugatory, or positively hurtful. The local circumstances which, at all times, he took most into account, were the wishes and the genuine interests of the natives of the island ; and in respecting these, he left out no class, but considered himself bound to secure the rights of the Sultans, Regents, and other high native authorities, as well as those of the lowest classes who tilled the soil with their own hands.

In order to execute such a task with any chance of permanent support from the mass of the people, it was obviously necessary, in the first instance, to ascertain correctly how the facts stood, and what it really was that the natives wished. For this purpose Mr Raffles instituted statistical enquiries in every district in Java—ordered the whole island to be surveyed—took the utmost pains to discover who were the best informed natives, and communicated personally with them all—listened with unwearied patience to all they had to say—and let it be understood in every quarter, that his sincere desire was, not to establish any particular views or theories, but to obtain correct information upon all points. In short, to use the wise and benevolent expression of Lord Minto in his first proclamation : ‘ The people of Java were exhorted to consider their new connexion with England as founded in principles of *mutual* advantage, and to be conducted in a spirit of kindness and affection.’

The whole of this interesting document, which is given at page 103, is worthy of attention, especially when it is recollected that the island, being acquired at the point of the bayonet, was entitled, by the unconditional nature of its surrender, to no terms save those which the conquerors might think fit to impose.

Mr Raffles was fortunately well seconded by the official persons placed under his orders, who, though few in number, were animated with the remarkable zeal shown by their chief. Of this we have already had the means of judging by the admirable works of Mr Crawford and Dr Horsfield. But Mr Raffles knew better than most men in power, the paramount importance of seeing things with his own eyes, and the advantage of allowing all parties, of whatever rank, to have free access to him, to tell their own stories, and to hear from his own lips the explanation of his in-

ons with respect to the new measures of government. The
rable military roads recently made by Marshal Daendels,
ered it quite easy to communicate with any part of the island.
affles, in a letter to Mr Marsden, says, 'To give an idea of
high state of the roads, and the facility of communication
every part of Java, it may be sufficient to inform you that
m Sourabaya to Samarang, 200 miles, I was only twenty-
r hours on the road.' During these visits, which were ex-
ed even to the most uncivilized parts of the country, Mr
les adopted a plan which, while it filled the Dutch residents
a unmingled amazement, both astonished and delighted the
ves. He thought it best, as he knew no guile himself, to
w that he suspected none in others, and therefore went every-
re unarmed, and without escort—enjoining all his officers to
so likewise; nor was there any instance, during his adminis-
ion, in which this manly confidence was betrayed. We our-
ves, in the course of our peregrinations, happened to have
asion to travel upwards of a thousand miles over the island
Java; and although, in the first instance, we thought these
as of the governor rather Quixotic, we came eventually to see
at with any escort short of a troop of dragoons, we could not
ve enjoyed equal security, and probably not nearly so much.
hilst bowling along in an open carriage, at the rate of nine
iles an-hour, through the gorgeous forests of that delicious
imate, we could scarcely believe that we were quite at the
ercy of Malays, and other tribes, falsely proverbial for trea-
bery and ferocity!

But Mr Raffles's confidence in the natives went much deeper
han the surface, and the solid advantages he bestowed upon
hem, would have proved a guarantee for their good behaviour,
nder temptations far greater than that of a traveller's purse.
One of his first measures was to abolish the miserable system
of the Dutch by which the revenue was farmed out to agents,
who had long been allowed to grind the natives at will, provided
only the government payments were duly made. In the same
breath he annihilated the practice of forced service, and all com-
pulsory deliveries of goods at inadequate rates.

'A system of internal management similar to that established in Ben-
gal was introduced throughout the whole of this fertile and populous
island, and the revenue and police regulations were placed on a footing to
ensure to the cultivator the fruits of his industry, and to the government
its just dues for the support of the state. The whole system of native
management was exploded, and the mass of the population, being no
longer dependent on a regent or other chief, looked up direct to the Eu-
ropean power which protected them.'—P. 193.

Under the Dutch government the revenue was originally derived almost entirely from the profits of their commercial monopoly. After they lost the spice islands, however, and all communication with Europe was cut off, some attempts were made to raise a territorial revenue in Java, but the principle on which it was collected being the worst possible, the amount realized was trifling. The internal management of the country was confided entirely to native chiefs, termed Regents, who, on condition of furnishing to the Dutch government a certain quantity of rice, and other produce, and a small recognition money annually, with all the labour and necessities which government might from time to time require, were left to do with the bulk of the population pretty nearly what they pleased. The abuses and oppressions of such a system were everywhere apparent, and everywhere felt. 'As it affected the general prosperity of the 'colony,' observes Mr Raffles, 'this system closed every avenue 'to general commerce, depressed every energy, and destroyed 'every excitement to industry and improvement.'—P. 207.

The Dutch government at home, it must be allowed, were ashamed of this shocking misrule, and sent frequent commissions to investigate the matter; but as these Dutch commissions led to nothing, it was left to the British to put the whole effectually to rights. In the first instance, after the abolition of the farming system, forced labour, contingent supplies, and so on, the lands were let to the heads of villages, who were, in fact, the resident superintending farmers of the estates. Leases were granted originally for one year—then for three—seven—and it was proposed eventually to have granted these lands in perpetuity.

As a part of this system, all the internal tolls, and other imposts which had long and seriously checked the cultivation of the soil, and put an end to internal trade, were abolished—all the ports of the island, without exception, were now thrown open, and nearly all the duties on export removed, while those upon imports were reduced to the lowest point adequate for the collection of the necessary revenue—and all idea of absolute exclusion of any description of goods was put an end to.

This system of land rental, in which the government treated directly with the natives, without the intervention of any native authority, was so simple in itself, and so conformable to the feelings of the inhabitants, that it was established at once with complete success, and it continued to improve in popularity amongst the Javanese, as well as in substantial pecuniary profit to government, during all the time it was in force. There cannot be a shadow of a doubt, therefore, that had we not most unwisely,

as well as most cruelly, thrown back the island to its old and greedy mismanagers, Java would now have constituted one of the happiest and most productive of all our possessions in the East.

Mr Raffles did not stop with the establishment of a land revenue; for he knew well, that unless the police of the Island, and the administration of the laws generally, were attended to in a proper spirit, there could be no security in property or person; no bold expenditure of capital in agriculture, or other improvements; no steady exertion of industry, and, consequently, no adequate means to furnish rents for the lands, which were now let to the natives all over the island.

The sagacity as well as the good feeling with which Mr Raffles set about these important branches of his administration, do him infinite honour in every point of view. By means of the numberless enquiries he had instituted all over the island, and particularly by his own personal investigations, he discovered that the Javanese possessed, from time immemorial, amongst themselves, a system of police as well as of jurisprudence, which, if not precisely squaring in all points with our notions of such things, it was fair to infer, were more or less suited to the peculiar circumstances of the island. It is curious enough that the Dutch were ignorant of the existence of many of these native institutions, though some of them were never entirely extinguished during the two centuries of their administration. Mr Raffles, however, at once saw how important it would be to enlist the prejudices and established habits of the natives in his cause, and by giving the sanction of his authority to local usages, which the natives were already in possession of, to attach, as it were, so many ready-made wheels to the machinery of his government.

While, therefore, the undue and arbitrary influence of the native chiefs was restricted, the government availed itself of their services in the important department of native police, which was now arranged upon fixed principles, adapted to the habits and original institutions of the people. The good sense of Mr Raffles was also well shown in the modifications which he introduced into this department of his administration. He touched nothing which he found established amongst the Javanese, or to which they were attached, provided it were not altogether inconsistent with his own notions of justice. When, however, such blots did occur, he substituted in their place, with great address, regulations so simple and judicious that the natives at once understood them; and, what was more to the purpose, they were perfectly willing to adopt these improvements, when they beheld them in companionship with so much of what was of their own, to which

they had been accustomed from time immemorial. In the same spirit of sound policy, Mr Raffles provided for the prompt and due administration of justice. 'One member of each of the courts of justice was appointed a judge of circuit, to be present in each of the Residences at least once in every three months, and as much oftener as was found necessary. The formalities of the Roman law were avoided. A native jury, consisting of an intelligent foreman and four others, decided upon the facts, the law was then taken down and expounded by the native law-officers, and the sentence, with the opinion of the judge of circuit, upon the application of the Dutch and colonial law in the cases, was forwarded for the modification of the lieutenant-governor.'—P. 220.

Great care was taken, not only by Mr Raffles in person, but by all the servants of government employed by him, to explain to all classes of the natives, without the least reservation, every branch of these establishments. The regulations were translated into the Malay and other languages spoken in Java, and circulated within the island; while at all times, but particularly at the period in question, when the new system was first introduced, the freest access was given to every native, whatever his rank might be, who wished to communicate personally with any officer of government.

This entire absence of mystery, and sincere consideration for the feelings of the natives, gave them the liveliest satisfaction; and when coupled with the prospect of an equitable and steady system of taxation, an efficient police, the just administration of the laws, the entire freedom of internal, and very nearly of external, commerce, diffused a degree of energy and industry over the island to which it had been long a stranger,—if, indeed, it had ever known such prosperity before. We do not speak of these things only from the documents furnished by this book, or which may be found more in detail in Mr Raffles's *History of Java*, but from a pretty extensive examination of the subject, on the spot, during a tour over that island, undertaken from motives of curiosity alone, without the smallest connexion with government; and we must say that, as far as we could judge, the advantages of the new system on the happiness of the people, and on the general prosperity of the island, are rather understated than exaggerated in this volume. Indeed, we should be doing no justice to the memory of Mr Raffles, were we not to mention, that of all men, he was the one who least wished his own merit in these matters to be thrust forward, and it will be seen by any one perusing these memoirs, how he was driven, in self-defence, or in the exercise of a public duty, to bring what he had done into notice. And

yet it was always done with an amiable, as well as a manly, anxiety to share the credit, whatever it might be, with the distinguished nobleman by whose penetration he himself had been distinguished amongst the crowd of able men by whom his Lordship was surrounded. In a letter describing the rapid improvements which had taken place, he adverts to an expression of Lord Minto, who, when discussing the judicial regulations, observed, 'it was not certain whether or not the English would retain permanent possession of Java; *but, in the meantime, let us do as much good as we can.* This,' says Mr Raffles, 'we have done, and whatever change may take place, the recollection can never be displeasing; and while Java exists,' he adds, anxious to bestow praise where it was essentially due, 'the name of Minto will be revered, and thousands bless the day on which he landed.'—P. 228.

This may be true; but still it is a bitter grief to those who knew the value of what we had so fairly won, to see it so inconsiderately relinquished. The highest revenue ever raised by the Dutch in Java was four millions of rupees, or about half a million of pounds sterling, in one year; whereas, before Mr Raffles left the government, the receipts into the government treasury were not less than thirty millions of rupees, or nearly four millions sterling.

It is exceedingly mortifying to look back and see what we have lost by our precipitancy; and although the momentous affairs connected with the overthrow of Bonaparte, engrossed so great a share of all men's minds in Europe, as to furnish some explanation of this grievous oversight, they afford no excuse, we are ashamed to own, for the national bad faith by which the surrender of Java was attended. We had entered into solemn treaties with the native princes; and we had, by the influence of our character for fair dealing, induced the natives to hold lands from us, under certain conditions, and to submit with confidence to extensive changes in their jurisprudence, in their police, and in their commerce. Now we do say, that, considering the extent and great importance of these arrangements to the well-being of a community of six millions of people, who had put their trust in us, we were bound to have insisted upon some guarantee for their protection. That we did not, is a lasting source of humiliation to us; and unfortunately there is no excuse on the score of ignorance, for Mr Raffles repeatedly and earnestly urged upon the court of directors, the board of control, and the supreme local government in India, the propriety of not throwing back the population of Java upon the tender mercies of their ancient

taskmasters, without some stipulations respecting those conditions which we had deliberately sanctioned. The consequence has been, that this magnificent island, which, under the British administration, was prosperous and tranquil, has been pretty nearly one scene of rebellion and bloodshed ever since it was given up to the Dutch!

The whole of this eventful history, from the commencement of our acquaintance with Java, has been a series of illustrations of the opinion given by Mr Raffles, that the Malays and other inhabitants of the Eastern Archipelago are the easiest people to manage in the world, by fair means, and the readiest amongst all Asiatics to be won by acts of kindness; while they are by far the most intractable and even ferocious when treated with harshness or injustice. During our intercourse with them, and when they were treated with confidence, they uniformly proved themselves trustworthy; but since the period that good faith has not been kept with them, they have not failed to pay back the debt of treachery, with heavy interest.

It would afford us much pleasure to relieve this melancholy picture, by some account of Mr Raffles's scientific and literary researches during his government of Java; but we have neither spirits, nor indeed room, for such things now. We must therefore refer the reader to the address delivered by him to the Batavian Society, in chapter vi.,—to his numerous letters to Mr Marsden, Mr Murdoch, and the Duchess of Somerset,—and to the accounts he managed to collect from various quarters respecting the volcanic eruption of the Tomboro Mountain, in the island of Sumbawa, one of the most extraordinary phenomena of the kind of which there is any accurate record. While on the subject of scientific researches, we must not omit the share which Dr Horsfield has taken in these enquiries. This gentleman, who, we believe, is an American, has collected an immense mass of information on botanical subjects. We refer our readers to an exceedingly interesting letter of his, at page 602, giving an account of Mr Raffles's efforts to promote the cause of science in Java. Neither have we room for any account of his administration of Bencoolen, on the island of Sumatra, to which station he had been appointed, after returning to England, on relinquishing the government of Java. But this part of the volume (chap. x., xi., and xii.) will be found full of the highest interest, by those who care about the manners and institutions of the Eastern Islands, or who feel interested in tracing the relative bearings of different European powers, when brought into conflicting action at such a distance from home. We cannot, however, dis-

miss this subject, without noticing the very important establishment of the free port of Singapore; and it is gratifying to think, that *all* the good which Mr Raffles originated in those seas, should not have been wasted.

By a reference to the map, it will be seen that there are two great highways to the China Seas from the west,—the Straits of Sunda, which separate Java from the island of Sumatra,—and the Straits of Malacca, which divide that island from the Malay peninsula. These entrances are so narrow, that if any European power possesses a stronghold upon each of them, that power may, in time of war, command the passage to both, and thus cut off all direct communication between India and China, while ships from Europe would have to make a circuitous passage round New Holland, and to the eastward of the Moluccas.

One of the miserable consequences of the blind sort of style in which we restored to the Dutch—to whom, by the way, we lay under no kind of obligation—all their Eastern possessions, was to place them in possession not only of Java, which commands the Straits of Sunda, but also of Malacca, a post which commands, and gives its name to, the northern entrance to the China Seas. Thus we fairly placed in the hands of our most jealous and absolutely insatiable rival, the very keys of our most productive Oriental commerce! The letters of Mr, now Sir Stamford Raffles, in this part of the volume, show clearly how much more quicksighted the Dutch were than we, as to the important advantages which our precipitancy had given them; and we consider it to have been one of the most fortunate circumstances possible, that a man so highly informed on all these points, should have been on the spot at the very moment of need, to point out the danger in terms so forcible as to command the attention of the supreme government. An ordinary person, indeed, placed where Sir Stamford Raffles was, might easily have discovered the evil, and reported his apprehensions to government; but no one, except a man of capacity and habitual resource, could have pointed out, as he did, a prompt and effectual remedy. Still less could any one, but a person of extensive local knowledge, combined with much political sagacity, have devised a scheme for turning the very difficulties of the situation, into which our folly had brought us, into a source of lasting prosperity. For this question, it must be observed, acquires at the present moment an interest almost as high as at the moment we are speaking of. There is now a prospect of opening the China trade to the country at large, and,

in this case, the establishment of Singapore will be of unspeakable benefit to our commercial interests.

The encroachments of the Dutch in those seas had reached to such an alarming extent, on the arrival of Sir Stamford Raffles at Bencoolen, in the year 1818, that he requested permission of the governor-general to visit Calcutta, to explain matters in person. His presence at head-quarters created a general interest amongst all parties, and turned the attention of the merchants as well as the government towards the grasping and excluding policy of the Dutch, and the probable destruction of the English trade, if some strong efforts were not made. Most fortunately for England, Sir Stamford succeeded in satisfying Lord Hastings of the necessity of taking instant measures to maintain our position in the quarter alluded to, and he was appointed agent and representative of the governor-general, in order to restore things, if possible, to their old footing. The grand object was, to regain the command of one of the straits, or entrances, to the China Seas. In order to concentrate and secure the English power in that important corner of our possessions, Sir Stamford proceeded down the Straits of Malacca in person, and, having long before made himself master of the localities, he hoisted the British flag, on the 29th of February, 1819, at Singapore, an island lying off the extreme southern point of the Malay peninsula. His previous enquiries, and his extensive personal acquaintance with all those regions, had very early led him to consider this situation as the best calculated to embrace all the objects in view.

• Sir Stamford conceived it of primary importance, to obtain a post which should have a commanding geographical position at the southern entrance of the Straits of Malacca—which should be in the track of the China and country traders—which should be capable of affording them protection, and of supplying their wants—which should possess capabilities of defence by a moderate force—which might give the means of supporting and defending the commercial intercourse with the Malay States—and which, by its contiguity to the seat of the Dutch power, might afford an opportunity to watch the march of its policy, and, when necessary, to counteract its influence.

• The occupation of this station proved to the varied and enterprising population of the Archipelago, that the power and commerce of the British nation had not entirely sunk under the encroachments of the Dutch; and it also proved a determination to make a stand against them, and to maintain the right of free commerce with the Malay States.

• Independently of the tribes of the Archipelago, the situation of Singapore is peculiarly favourable for its becoming the entrepot to which the

native mariners of Siam, Camboja, Chiampa, Cochin China, and China itself, may annually resort. It is to the Straits of Singapore that their merchants are always bound, in the first instance; and if, on their arrival in them, they find a market for their goods, and the means of supplying their wants, they have no inducement to proceed to the more distant, unhealthy, and expensive port of Batavia.

'The passage from China can be made in less than six days, and the same time is all that is required, in the favourable monsoon, for the passage from Batavia, the coast of Borneo, and Penang.'—P. 375.

It is only necessary to add, that there is here an excellent harbour of great extent, and possessed of every advantage for the equipment of ships. The details of the occupation of Singapore, and the manner in which we acquired a title to its permanent possession from the native sovereign of the country, are given at page 398. It was satisfactory to all parties, (except the Dutch,) and, indeed, beyond all calculation beneficial to the Malaysians in that neighbourhood.

In a letter from Sir Stamford, the advantages of Singapore, both in a political and a commercial sense, are thus stated:—

'Our object,' he says, 'is not territory, but trade—a great commercial emporium, and a *fulcrum*, whence we may extend our influence politically, as circumstances may hereafter require. By taking immediate possession, we put a *negative* to the Dutch claim of exclusion, and at the same time revived the drooping confidence of our allies and friends. One free port in these seas must eventually destroy the spell of the Dutch monopoly; and what Malta is in the West, that may Singapore become in the East.'—P. 380.

The above extract is from a letter to Colonel Addenbrooke, late equerry to Her Royal Highness the Princess Charlotte, and we cannot deny ourselves the pleasure of softening the political picture we have been dwelling upon, by a little characteristic touch, which will reach the feelings of all our readers.

'I have told you that Lady Raffles has presented me with a son and a daughter: from the circumstance of the latter having been born on the voyage, the Javans, who are a poetic people, wished her to be named *Tunjung Segara*, meaning lotos of the sea; and a more appropriate name for purity or innocence could not have been conceived. I gratified their wish, but at the same time my own, by prefixing a more Christian and a more consecrated name, "Charlotte." My son has been christened Leopold; and thus will *Leopold and Charlotte* be commemorated in my domestic circle as names ever dear and ever respected; and that of my daughter, while associated with the emblem of purity, handed down in remembrance of one whose virtues will never be forgotten.'—P. 380.

It is painful to find that both these children sunk, shortly

afterwards, under the baneful influence of the climate of Sumatra.

In spite of numerous and vexatious obstacles, the establishment of Singapore rose and flourished, in a most extraordinary degree, under the judicious administration of Sir Stamford Raffles. To his sole responsibility, indeed, the whole was referred, during the continuance of the doubts and difficulties connected with the vehement opposition made by the Dutch authorities, both at home and abroad, to our regaining any useful portion of our influence in those seas. It was doubly perplexing to him, also, at such a season, to have little or no support, and often opposition, from his own government, for those very measures, of which, eventually, they themselves became the most zealous approvers. It may seem useless to refer to these disputes now, but we do so in justice to the memory of this meritorious public officer, and because it will be obvious to any one who gives the latter part of this volume even a slight perusal, that had the British interests in those quarters been intrusted to a man of less energy of character, and purity of personal motives, or of less extensive local knowledge, we might, at this moment, have been dependent upon the Dutch for a passage into the China Seas, while the magnificent free port of Singapore would certainly never have been established under the British flag. Under that of the Dutch it would have been worse than useless to us. The present discussions respecting the trade of China, and of the East Indies generally, have given an unusual degree of interest to questions upon which, ten years ago, Sir Stamford Raffles could scarcely awaken the slightest attention.

The following most important observations on the habits and wishes of the Chinese, in respect to British goods, and to the prodigious advantages held out to us by the possession of Singapore, cannot fail, we are sure, to excite the public attention :—

‘ Were the value of Singapore properly appreciated, I am confident that all England would be in its favour ; it positively takes nothing from the Dutch, and is to us every thing ; it gives us the command of China and Japan, with Siam and Cambodia, Cochin China, &c., to say nothing of the Islands themselves. What you observe with regard to British cottons through this port to China is a most important question—the affair is perfectly practicable, and nothing more easy. Upwards of ten thousand tons of raw cotton are annually sent China from our territories in India—why should we send our raw produce to encourage the industry of a foreign nation, at the expense of our own manufactures ? If India cannot manufacture sufficiently well, England can ; and it is idle to talk of the cheapness of our

goods unless we can bring them into fair competition. *I see no reason why China may not be, in a great measure, clothed from England—no people study cheapness so much; and if we can undersell them, we have only to find the way of introducing the article.* The monopoly of the East India Company in England, and of the Hong merchants in China, precludes the idea of any thing like fair competition in our own ships, or at the port of Canton—not but the East India Company can, and perhaps will, assist as far as in them lies; but their ships are too expensive—the articles would also pass through the Hong merchants before they reached the general trade and commerce; and their intermediate profits would form another barrier.

‘At Singapore, however, every object may be obtained. Let the commercial interests for the present drop every idea of a direct trade to China, and let them concentrate their influence in supporting Singapore, and they will do ten times better. As a free port, it is as much to them as the possession of Macao; and it is here their voyages should finish. The Chinese themselves coming to Singapore and purchasing, they have the means of importing into the different ports of Canton, without the restraints and peculations of the Hong merchants. Many of the Chinese viceroys are themselves engaged clandestinely in extensive trade; and Singapore may, as a free port, thus become the connecting link and grand entrepôt between Europe, Asia, and China; it is, in fact, fast becoming so. Vessels come from China to Singapore in five days. All will, however, depend on its remaining under good government.’—P. 460.

We have left ourselves no room for any account of the many popular parts of this Memoir, and we have really no heart to dwell upon the numerous and bitter domestic afflictions by which some portions of the narrative are darkened. But in justice to the accomplished biographer, whose melancholy task it has been to describe so many disasters, we must say that those parts of her work are amongst the most interesting things we have read for a long time. We hardly know, indeed, which to admire most, the perseverance and cheerfulness with which she shared in all her husband's difficulties, or the good taste with which she has described them. The work, it is true, consists chiefly of letters written by Sir Stamford Raffles, but the connecting narrative has been supplied in a manner which could only have been accomplished by a person thoroughly acquainted with all the topics discussed. And although it is not in human nature to suppose there should be perfect impartiality in such a case, there is not a line in the volume which will lead any reader to doubt that the cause of truth and virtue has been the ruling principle in its composition.

ART. V.—*Recherches sur le Commerce de la Hollande.* 8vo. Amsterdam. 1828.

THE history of Holland, or the Seven United Provinces, evinces, in a more striking manner than that of any other modern country, the wonderful effects that may be produced by a well-directed spirit of industry and economy, at the same time that it shows by what means that spirit may be most effectually called forth. The progress of the Hollanders is that of a people placed, apparently, under circumstances the most unfavourable for the accumulation of wealth, overcoming, with matchless perseverance, one difficulty after another, until they rendered their country the centre of European commerce, their traffickers the ‘honourable of the earth,’ and had diffused opulence, and a taste for conveniences and enjoyments, even among the lowest classes. There is, indeed, no people whose career has been so extraordinary: and sure we are, that there is none whose history is more worthy of being studied by all who wish to acquire an intimate knowledge of the circumstances which elevate commercial nations to a high pitch of prosperity, as well as of those which sap the foundations of their power, and sink them to a lower level. For these reasons, we gladly avail ourselves of the appearance of the work, the title of which is prefixed to this article, briefly to call the attention of our readers to a few remarks on what seem to have been the more prominent causes of the rise and progress of commerce in Holland, and of its subsequent decline.

The physical circumstances under which the Hollanders were placed, occupying a sandy, marshy, and unfruitful country, periodically overflowed by the large rivers which intersect it, and occasionally laid waste by the more violent irruptions of the ocean, naturally stimulated the inhabitants to endeavour to protect themselves from inundation, by constructing artificial mounds along the banks of the rivers and the sea-coast, and to seek in fishing and navigation for that support which they could not derive from agriculture. The *duris urgens in rebus egestas* whetted the ingenuity of the Hollanders, and gave them courage to undertake, and patience to overcome, the most formidable enterprises. They could not subsist without drawing a portion of their supplies from foreigners, so that the prosecution of commerce was to them not a matter of choice, but of necessity. Even Cæsar describes the Batavians as addicted to a seafaring life, and deriving a part of their subsistence from the fishery.

The earliest accounts transmitted to us by modern chroniclers and historians, represent them as engaged in naval enterprises, and possessing numerous fleets. The foundations of the Hanseatic League were laid in the year 1241; and several of the towns of Holland were amongst its oldest members. In 1477, Philip of Burgundy wrote to the Pope, that 'Holland and Zeeland were rich islands, inhabited by a brave and warlike people, who have never been conquered by their neighbours, and who prosecute their commerce on every sea.*' The discovery of the mode of curing and barrelling herring, by an obscure individual of the name of Beukels, or Beukelzon, towards the middle of the fourteenth century, contributed more perhaps than any thing else to increase the maritime power and wealth of Holland. At a period when the prohibition of eating butcher-meat during two days every week, and forty days before Easter, was universal, a supply of some sort of subsidiary food was urgently required; so that the discovery of Beukels became of the greatest consequence, not to his countrymen only, but to the whole Christian world. It should be mentioned, to the honour of the Emperor Charles V., that being, in 1550, at Biervliet, where Beukels was buried, he visited his grave, and ordered a magnificent monument to be erected, to record the memory of a man who had rendered so signal a service to his country.

For a long period, the Hollanders enjoyed nearly a complete monopoly of the herring fishery. The famous John de Witt estimated that in his time every fifth individual derived his subsistence from this source. We learn from him, and others, that when the herring fishery was in its zenith, the Dutch fishers employed 3,000 fishing vessels in the bays and inlets of their own coasts; that they employed about 800 vessels, of from 60 to 150 tons burthen, in the cod and ling fishery, in the seas round the Orkney and Shetland Islands; and that, in addition to these, they had about 1,600 vessels employed in the herring fishery on our coasts, from Buchanness to the mouth of the Thames. It was estimated, that taking into account the vessels carrying salt to those actually engaged in the fishery, and those employed to convey the cured herrings to their destination, the herring fishery gave employment in all to about 6,400 vessels, and 112,000 seamen; and that the whole number of persons dependent upon it for support, including those employed in building and rigging ships, and in fitting them out with nets, casks, salt, &c. amounted

* *La Richesse de la Hollande*, tome i. p. 26.

to 450,000 !* De Witt says, that in his time Holland could boast of 10,000 sail of shipping, and 168,000 seamen, 'although,' he adds, 'the country itself affords them neither materials, nor victual, nor merchandise.' The Hollanders, indeed, made no scruple of avowing that the wealth, strength, and prosperity, of the United Provinces, were chiefly derived from the herring fishery; their sense of the importance of which was strongly remarked by an observation in common use amongst them, that 'the foundation of Amsterdam was laid on herring bones.'[†]

It would lead us into too wide a field, were we to enter into any lengthened details with respect to the circumstances which led to the revolt and independence of the United Provinces. It is sufficient for our present purpose to observe, that the government of Holland, during the period when she began to be distinguished as a naval power, was essentially free. The Earls, or Counts, of Holland, as well as those of Flanders, enjoyed a comparatively limited authority. Hemmed in on all sides by powerful neighbours, and engaged in frequent contests with each other, they were perpetually under the necessity of applying to their subjects for supplies. In consequence, the nobility, clergy, and above all, the corporate bodies established in the different towns, gradually acquired a large share of authority. The supreme government was vested in the assembly of the States, which might meet as often as it thought proper, and without whose consent no taxes could be imposed, wars entered into, or treaties either of peace or alliance concluded. The prerogatives of the Earls were, indeed, more like those enjoyed by the elective chief magistrates of republican governments, than those that usually belong to hereditary sovereigns.

This free system of government, the security resulting from it, and the scope which it gave to the exercise of talent and industry, was no doubt the principal circumstance that so early rendered Flanders one of the richest, best cultivated, and most commercial countries of Europe, and which enabled the Hollanders to surmount all the difficulties incident to their situation. A very striking proof of the enlightened and constitutional policy of the Flemish government, occurs so far back as the reign of Edward I. of England. That monarch, in a letter addressed to Robert, Earl of Flanders, states, that he had learned that an active intercourse was carried on between the

* Interest of Holland, p. 55. 8vo ed. Lond. 1746.

† Supplement to Encyclopædia Britannica, Art. *Fishery*.

Scotch and the Flemings; and as the Scotch had taken part with Robert Bruce, who was in rebellion against him, and excommunicated by the Pope, he begged that the Earl would put a stop to this intercourse, and exclude the Scotch from his dominions. The Earl returned an answer full of expressions of respect for Edward; adding, however,—‘We must not conceal it from your Majesty, that our country of Flanders is common to all the world, where every person finds a free admission. Nor can we take away this privilege from persons concerned in commerce, without bringing ruin and destruction upon our country. If the Scotch go to our ports, and our subjects go to theirs, it is neither the intention of ourselves nor our subjects to encourage them in their error, but only to carry on our traffic, without taking any part with them.’—(Rymer’s *Fœdera*, vol. iii. p. 771.)

The Provinces continued for several ages under the moderate and constitutional government of their native princes, till, by the extinction of the male line in some families, by marriage, conquest, and other casualties, they fell under the dominion of the House of Burgundy. But, notwithstanding the increased power of their new sovereigns, they continued to enjoy their ancient privileges, and were governed according to the laws enacted by their representatives. The taxes, and other public burdens, were indeed considerably augmented; but as their commerce and opulence increased in a still greater ratio, this burden was submitted to, if not without reluctance, without any disturbance.

In 1477, the sovereignty of the Low Countries passed from the House of Burgundy to that of Hapsburgh, by the marriage of the only daughter of Charles the Bold, the last Duke of Burgundy, with Maximilian, afterwards Emperor of Germany. Charles V., the grandson of Maximilian, was born in the Low Countries, and entertained a kindly feeling towards the people: He treated them with regard, respected their privileges, and though, on a few occasions, he stretched his prerogative to an unconstitutional length, little opposition was made to his government. But it was far otherwise with his son and successor, Philip II. The Reformation having made a considerable progress in the Netherlands, this gloomy and unrelenting bigot, in order to arrest its progress, established tribunals equivalent to the Inquisition, and subjected every one accused of heresy to the most barbarous punishments. A large army, composed principally of Spanish and Italian troops, was quartered in the Provinces, the command of which was intrusted to the famous

Duke of Alva, whose bigotry and ferocity were nowise inferior to Philip's. The object of Alva was, not only to extirpate every vestige of the Reformed religion, but to trample under foot the civil rights of the people, and to render the government as despotical as that of Castile. But, in endeavouring to accomplish these objects, the cruelties of Alva excited a spirit of resistance, which all the power of Spain was unable to overcome. In Flanders, indeed, the Spaniards succeeded; but Holland and the Northern provinces achieved their independence. No contest was ever engaged in with means apparently so unequal. The Spanish monarchy was then, without any question, the most powerful in Europe. Its resources seemed equal to the greatest undertakings; its troops were brave, numerous, and well appointed; and in Alva, Farnese, and Spinola, it could boast of generals that would have done honour to any age. To so mighty a power the Hollanders, few in number, had nothing to oppose but their hatred of tyranny, their invincible courage and constancy, the advantages derived from the peculiar situation of their country, and the talents of William I., Prince of Orange, and his successor Maurice.* Luckily, however, these proved sufficient. This great struggle was prolonged for the extraordinary period of about half a century; and whether we consider its duration, the sacrifices and efforts of the weaker party, or the advantages resulting from their success, it may, we believe, be safely affirmed to be altogether without a parallel in the history of the world.

By an unlooked-for train of consequences, this contest with the Spaniards, instead of being injurious to the commerce of Holland, was one of the principal causes of its increase. Bruges had been at one time the greatest trading city in the Low Countries, having formed the centre of the communication carried on by sea between the southern and northern parts of Europe. But owing to some severities exercised on it by the

* The antiquity of the houses of Bourbon, Hapsburgh, and Brunswick, is perhaps equal to that of the house of Orange, and they are greatly superior to it in the magnitude of their dominions; but in every other respect they are its inferiors. To have been the principal instruments in rescuing Holland from the blind and brutal despotism of Old Spain, and in the deliverance of England from the tyranny of the Stuarts, is the peculiar distinction of the princes of the house of Orange, and reflects more true glory upon them than they could have derived from the most extensive conquests. There is no single family to whom the civilized world is so largely indebted.

Emperor Frederick III., in consequence of the citizens having imprisoned his son Maximilian, to whose marriage with the heiress of the House of Burgundy we have already alluded, the commerce carried on at Bruges was gradually removed to Antwerp. In consequence principally of this circumstance, but partly also of its advantageous situation, the trade of Antwerp was rapidly augmented; and it had become, at the breaking out of the troubles, the richest and greatest commercial city in Europe. Ludovico Guicciardini has given, in his description of the Low Countries,* a minute and interesting account of Antwerp in 1560, when it had attained the acmé of its prosperity, and of the species and extent of the commerce its merchants carried on with the different countries with which they had any intercourse. This account is too long to copy, but it contains a few particulars which it would be wrong to omit mentioning. Arumuyden, in the island of Walloheren, was the place of rendezvous for the shipping of Antwerp; and in it, Guicciardini says, there had been 500 large ships lying at one time, bound to, or newly returned from, distant parts of the world. He adds, that it was no uncommon thing for 500 ships of all sizes to go and come in a single day; that 10,000 carts were constantly employed in conveying merchandise to and from the neighbouring countries, besides hundreds of waggons daily coming and going with passengers; and 500 coaches used by people of distinction. In Guicciardini's enumeration of the different trades, he reckons 92 fishmongers, and only 78 butchers; there were 124 goldsmiths, who at that time acted as bankers, or rather exchangers of money. The houses were computed to amount to 13,500, and the inhabitants to about 100,000. Comparatively few of the ships frequenting the port of Antwerp belonged to its citizens, its commerce being principally carried on by the ships of foreign nations. Many of its merchants were possessed of immense fortunes. Fugger, one of them, who died a little before this period, left upwards of six millions of crowns. Charles V. had on various occasions borrowed largely of Fugger; and it is recorded, that the Emperor having been present at an entertainment given by his mercantile friend, the latter, in order to do honour to his imperial guest, made a fire in his hall of cinnamon, and lighted it with the bonds given by Charles in security of the debt! Perhaps this was one of the circumstances that Mr Burke had in view, when he so feelingly exclaimed that the age of chivalry was past. And, at all events, we have not heard that the Fuggers of the

* *Descrizione di Paesi Bassi. Antwerp, 1567. folio.*

day—the Barings or the Rothschilds—have ever treated their royal and distinguished visitors to a dessert of this sort.

The trade of this great emporium was utterly ruined, in consequence of its siege and capture by the Spaniards, under Farnese, in 1585. The terms obtained by the citizens were indeed comparatively favourable; but their aversion to the Spanish government had become insurmountable, and they lost no time in removing themselves, their commerce, and effects, to Amsterdam, Middleburgh, and other cities, where they hoped to enjoy that security and freedom they could not look for under the government of their conquerors. In order to lessen the importance of a place which had fallen into the hands of their enemies, the Hollanders built forts on the Scheldt, to intercept such ships as might attempt to get to Antwerp; and at length resorted to the device of rendering the river innavigable, by sinking vessels loaded with stones in its channel. That commerce, which had so long enriched the Netherlands, was thus wholly transferred to Holland, and brought with it an accession of wealth and power that had the most decisive influence on the fate of the war.

Among the various branches of commerce which Antwerp enjoyed, one of the most valuable was that carried on with the Portuguese, who supplied her warehouses with the spices and other productions of India. These were chiefly bought by the Dutch merchants, who conveyed them to England, and the countries bordering on the Baltic, or carried them up the great rivers into the interior of Germany. But Philip II. having, in 1580, made himself master of Portugal, one of his first measures was to put a stop, so far at least as that was possible, to all intercourse between the merchants of Lisbon and his rebellious subjects in the Low Countries. The Hollanders, however, having felt the advantages resulting from the trade in Indian commodities, since they could no longer obtain them at second hand, resolved to attempt to procure them directly from the places of their growth. At first they endeavoured to effect their object by a north-east passage; but this proving unsuccessful, they determined on attempting the passage by the Cape of Good Hope. A Hollander of the name of Houtman, who had been in the Portuguese service in India, commanded the first fleet of Dutch ships that appeared in the Eastern ocean, in 1594. In a mercantile point of view this adventure was not very successful; but it was immediately followed by others that were eminently so. The Portuguese, whose martial ardour had abated during a long period of peace, detested by the natives for their bad faith, rapacity, and intole-

rance, and little anxious about preserving the dominion of India for the Spaniards, whose subjects they had become, opposed no effectual resistance to the encroachments of the Dutch. The English also having appeared about the same time in the Eastern seas, the Portuguese empire, attacked by both, was subverted in even less time than it had been raised; and Philip II. had the mortification to behold the most valuable branches of the commerce of the Peninsula pass into the hands of those whom his persecutions and atrocities had rendered his implacable enemies.

In 1602, the Dutch East India Company was formed; and notwithstanding the pernicious influence of that association, the Indian trade increased rapidly in magnitude and importance. Ships fitted either for commercial or warlike purposes, and having a considerable number of soldiers on board, were sent out within a few years of the establishment of the Company. Amboyna and the Moluccas were first wrested from the Portuguese, and with them the Dutch obtained the monopoly of the spice trade. Factories and fortifications were in no long time established from Balsora at the mouth of the Tigris, in the Persian gulf, along the coasts and islands of India as far as Japan. Alliances were formed with several of the Indian princes; and in many parts, particularly on the coasts of Ceylon, and in various districts of Malabar and Coromandel, they were themselves the sovereigns. Batavia, in the large and fertile island of Java, the greater part of which had been conquered by the Dutch, formed the centre of their Indian commerce; and though unhealthy, its port was excellent, and it was admirably situated for commanding the trade of the Eastern Archipelago. In 1651, they planted a colony at the Cape of Good Hope, which had been strangely neglected by the Portuguese.

Every branch of commerce was vigorously prosecuted by the Dutch. Their trade with the Baltic was, however, by far the most extensive and lucrative of which they were in possession. Guicciardini mentions that the trade with Poland, Denmark, Prussia, &c. even before their revolt, was so very great, that fleets of 300 ships arrived twice a-year at Amsterdam from Dantzic and Livonia only; but it increased prodigiously during the latter part of the sixteenth and the beginning of the seventeenth centuries. The great population of Holland, and the limited extent and unfruitful nature of the soil, render the inhabitants dependent on foreigners for the greater part of their supplies of corn. The countries round the Baltic have always furnished them with the principal part of those supplies; and it is from them that they have been in the habit of bring-

ing timber, iron, hemp and flax, pitch and tar, tallow, ashes, and other bulky articles required in the building of their houses and ships, and in various manufactures. Nothing, however, redounds so much to the credit of the Dutch, as the policy they have invariably followed with respect to the trade in corn. They have, at all times, had a large capital embarked in this business. The variations which are perpetually occurring in the harvests, early led them to engage very extensively in a sort of speculative corn trade. When the crops happened to be unusually productive, and prices low, they bought and stored up large quantities of grain, in the expectation of profiting by the advance that was sure to take place on the occurrence of an unfavourable year. Repeated efforts were made in periods when prices were rising, to prevail on the government to prohibit exportation; but they steadily refused to interfere. In consequence of this enlightened policy, Holland has long been the most important European *entrepôt* for corn; and her markets have on all occasions been furnished with the most abundant supplies. Those scarcities which are so very disastrous in countries without commerce, or where the trade in corn is subjected to fetters and restraints, have not only been totally unknown in Holland, but became a copious source of wealth to her merchants, who then obtained a ready and advantageous vent for the supplies accumulated in their warehouses. ‘Amsterdam,’ says Sir Walter Raleigh,* ‘is never without 700,000 quarters of corn, none of it of the growth of Holland; and a dearth of only one year in any other part of Europe, enriches Holland for seven years. In the course of a year and a half, during a scarcity in England, there were carried away from the ports of Southampton, Bristol, and Exeter alone, nearly L.200,000: and if London and the rest of England be included, there must have been L.2,000,000 more.’

The very well informed author of the *Richesse de la Hollande*, published in 1778, observes, in allusion to these circumstances, ‘Que la disette de grains regne dans les quatre parties du monde; vous trouverez du froment, du seigle, et d’autres grains à Amsterdam; ils n’y manquent jamais.’—Tome i. p. 376.

The Bank of Amsterdam was founded in 1609. The principal object of this establishment was to obviate the inconvenience and uncertainty arising from the circulation of the coins imported into Amsterdam from all parts of the world. The merchants who carried coin or bullion to the Bank obtained credit

* *Observations touching Trade and Commerce with the Hollander.*—Miscel. Works, vol. ii.

for an equal value in its books; this was called bank-money; and all considerable payments were effected by writing it off from the account of one individual to that of another. This establishment continued to flourish till the invasion of the French in 1795.

In 1621, the Dutch formed a West India Company. Within the short period of fifteen years this association had conquered the greater part of Brazil, had fitted out 800 trading and warlike ships, at an expense of about ninety millions of florins, and had captured from the Spaniards and Portuguese 545 ships that were supposed to be worth ninety millions of florins.* But the success of the Company's warlike enterprises by sea proved their ruin. In their ardour to prosecute them, they neither completed the conquest of Brazil, nor put the provinces they had conquered into a posture of defence. In 1640, the Portuguese shook off the Spanish yoke; and soon after set about making preparations to recover the valuable possessions they had lost in Brazil. Prince Maurice of Nassau, who had been captain-general in South America, having been imprudently recalled in 1644, the administration fell into the hands of incompetent individuals. The Portuguese took advantage of this circumstance; and the Dutch being vigorously attacked, and not properly supported from home, were compelled finally to abandon Brazil in 1654. This circumstance occasioned the fall of the Company, which was abolished in 1674; when a new one, whose career was hardly more prosperous, but whose privileges were far less extensive, was established on its ruins.

Between the years 1651 and 1672, when the territories of the republic were invaded by the French, the commerce of Holland seems to have reached its greatest height. De Witt estimates its increase from the treaty with Spain, concluded at Munster in 1643 to 1669, at fully a half. He adds, that during the war with Holland, Spain lost the greater part of her naval power; that since the peace, the Dutch had obtained most of the trade to that country, which had been previously carried on by the Hanseatic merchants and the English; that almost all the coasting trade of Spain was carried on by Dutch shipping; that Spain had even been forced to hire Dutch ships to sail to her American possessions; and that so great was the exportation of goods from Holland to Spain, that all the merchandise brought from the Spanish West Indies, was not sufficient to make returns for them.

At this period, indeed, the Dutch engrossed, not by means of

* *Commerce de la Hollande*, tom. i. p. 212.

any artificial monopoly, but by the greater number of their ships, and their superior skill and economy in all that regarded navigation, almost the whole carrying trade of Europe. The value of the goods exported from France in Dutch bottoms, towards the middle of the fourteenth century, exceeded forty millions of livres; and the commerce of England with the Low Countries was, for a very long period, almost entirely carried on in the same way.

The business of marine insurance was largely and successfully prosecuted at Amsterdam; and the ordinances published in 1551, 1563, and 1570, contain the most judicious regulations for the settlement of such disputes as might arise in conducting this difficult but highly useful business. It is singular, however, notwithstanding the sagacity of the Dutch, and their desire to strengthen industrious habits, that they should have prohibited insurance upon lives. It was reserved for England to show the advantages that might be derived from this beautiful application of the science of probabilities.

In one respect, the division and combination of commercial pursuits was carried farther in Holland than it has ever been carried in any other country. Not only particular merchants, but particular towns, applied themselves in preference to some one line of business. Middleburgh, for example, was engaged in the wine trade; Flushing, in the West India trade; Swaardam, in ship-building; Sluys, in the herring-fishery; Amsterdam in the East India, Spanish, and Mediterranean trades, &c. Competition in every branch was intense, and they were all conducted with the utmost skill and economy.

In 1690, Sir William Petty estimated the shipping of Europe at about 2,000,000 of tons, which he supposed to be distributed as follows:—viz. England, 500,000; France, 100,000; Hamburg, Denmark, Sweden, and Dantzic, 250,000; Spain, Portugal, and Italy, 250,000; that of the Seven United Provinces amounting, according to him, to 900,000 tons, or to nearly one-half of the whole tonnage of Europe! No great dependence can, of course, be placed upon these estimates; but the probability is, that had they been more accurate, the preponderance in favour of Holland would have been greater than it appears to be; for the official returns to the circulars addressed in 1701 by the commissioners of customs to the officers at the different ports, show that the whole mercantile navy of England amounted at that period to only 261,222 tons, carrying 27,196 men.*

It may, therefore, be fairly concluded, that, during the se-

* Macpherson's *Annals of Commerce*, anno 1701.

venteenth century, the foreign commerce and navigation of Holland was greater than that of all Europe besides; and yet the country which was the seat of this vast commerce had no native produce to export, nor even a piece of timber fit for ship-building. All had been the fruit of industry, economy, and a fortunate combination of circumstances. ‘Holland,’ to use the words of Sir William Temple, ‘did not grow rich by any native commodities, but by force of industry; by the improvement and manufacture of all foreign growths; by being the general magazine of Europe, and furnishing all parts with whatever the market wants or invites; and by their seamen being, as they have been properly called, the common carriers of the world.’

In the brief sketch now given of the progress of Dutch commerce, we have touched upon some of the circumstances which seem to have been principally instrumental in accelerating its progress. But before proceeding to offer any further remarks of our own, either upon these or any other causes that may be supposed to have concurred in bringing about these extraordinary results, we beg to call the attention of our readers to a statement with respect to them of the very highest importance, and which, had it not been strangely overlooked, might have been triumphantly referred to in some recent discussions in this country.

After the war terminated by the treaty of Aix-la-Chapelle, the attention of the government of Holland was forcibly attracted to the state of the shipping and foreign commerce of the republic. They had been gradually declining since the beginning of the century; and the discovery of means by which this decline might be arrested, and the trade of the republic, if possible, restored to its ancient flourishing condition, became a prominent object in the speculations of every one who felt interested in the public welfare. In order to procure the most correct information on the subject, the Stadtholder, William IV., addressed the following queries to all the most extensive and intelligent merchants, desiring them to favour him with their answers:—

‘1. What is the actual state of trade? and if the same should be found to be diminished and fallen to decay, then, 2. To enquire by what methods the same may be supported and advanced, or, if possible, restored to its former lustre, repute, and dignity?’

In discussing these questions, the merchants were obliged to enter into an examination, as well of the causes which had raised the commerce of Holland to the high pitch of prosperity to which it had once attained, as of those which had occasioned its

subsequent decline. It is stated, that, though not of the same opinion upon all points, they, speaking generally, concurred as to those that were most important. When their answers had been obtained, and compared with each other, the Stadtholder had a dissertation prepared from them, and other authentic sources, on the commerce of the republic, to which proposals were subjoined for its amendment. Some of the principles advanced in this dissertation apply to the case of Holland only; but most of them are of universal application, and are not more comprehensive than sound. We doubt, indeed, whether the benefits resulting from religious toleration, political liberty, and the freedom of industry, have ever been more clearly set forth than in this dissertation. But it is principally entitled to notice from the circumstance of nothing being stated in it upon hypothetical or doubtful grounds. Its authors were all either practical or official men, largely engaged in business, or engrossed with the duties and details of office, who reasoned only from what they personally knew. They were not carried away by a love of 'newfangled theories' or 'silly paradoxes;' they proceeded on the sober and solid grounds of experience and observation; and yet, how inexplicable soever it may be to Mr Sadler and his sect, neither Locke nor Smith could have gone farther in recommending free institutions and the freedom of commerce.

The dissertation begins by an enumeration of the causes which contributed to advance the commerce of the republic to its former unexampled prosperity; these the authors divide into three classes, embracing under the first those that were natural and physical; under the second, those they denominate moral; and under the third, those which they considered adventitious and external, remarking on them in succession as follows:—

'I. The natural and physical causes are the advantages of the situation of the country, on the sea, and at the mouth of considerable rivers; its situation between the northern and southern parts, which, by being in a manner the centre of all Europe, made the republic become the general market, where the merchants on both sides used to bring their superfluous commodities, in order to barter and exchange the same for other goods they wanted.

'Nor have the barrenness of the country, and the necessities of the natives arising from that cause, less contributed to set them upon exerting all their application, industry, and utmost stretch of genius, to fetch from foreign countries what they stand in need of in their own, and to support themselves by trade.

'The abundance of fish in the neighbouring seas put them in

‘ a condition not only to supply their own occasions, but with the
‘ overplus to carry on a trade with foreigners, and out of the pro-
‘ duce of the fishery to find an equivalent for what they wanted,
‘ through the sterility and narrow boundaries and extent of their
‘ own country.

‘ II. Among the moral and political causes are to be placed,
‘ The unalterable maxim and fundamental law relating to the
‘ free exercise of different religions ; and always to consider this
‘ toleration and connivance as the most effectual means to draw
‘ foreigners from adjacent countries to settle and reside here, and
‘ so become instrumental to the peopling of these provinces.

‘ The constant policy of the republic to make this country a
‘ perpetual, safe, and secure asylum for all persecuted and op-
‘ pressed strangers ; no alliance, no treaty, no regard for, or soli-
‘ citation of, any potentate whatever, has at any time been able
‘ to weaken or destroy this law, or make the state recede from
‘ protecting those who have fled to it for their own security and
‘ self-preservation.

‘ Throughout the whole course of all the persecutions and
‘ oppressions that have occurred in other countries, the steady
‘ adherence of the republic to this fundamental law, has been the
‘ cause that many people have not only fled hither for refuge,
‘ with their whole stock in ready cash, and their most valuable
‘ effects, but have also settled, and established many trades, fa-
‘ brics, manufactories, arts, and sciences, in this country, not-
‘ withstanding the first materials for the said fabrics and manu-
‘ factories were almost wholly wanting in it, and not to be pro-
‘ cured but at a great expense from foreign parts.

‘ The constitution of our form of government, and the liberty
‘ thus accruing to the citizen, are further reasons to which the
‘ growth of trade, and its establishment in the republic, may fair-
‘ ly be ascribed ; and all her policy and laws are put upon such an
‘ equitable footing, that neither life, estates, nor dignities, depend
‘ on the caprice or arbitrary power of any single individual ; nor
‘ is there any room for any person, who, by care, frugality, and
‘ diligence, has once acquired an affluent fortune or estate, to fear
‘ a deprivation of them by any act of violence, oppression, or
‘ injustice.

‘ The administration of justice in the country has, in like
‘ manner, always been clear and impartial, and without distinc-
‘ tion of superior or inferior rank—whether the parties have
‘ been rich or poor, or were this a foreigner and that a native ;
‘ and it were greatly to be wished we could at this day boast
‘ of such impartial quickness and despatch in all our legal pro-
‘ cesses, considering how great an influence it has on trade.

‘ To sum up all, amongst the moral and political causes of

‘ the former flourishing state of trade, may be likewise placed
‘ the wisdom and prudence of the administration ; the intrepid
‘ firmness of the councils ; the faithfulness with which treaties
‘ and engagements were wont to be fulfilled and ratified ; and
‘ particularly the care and caution practised to preserve tran-
‘ quillity and peace, and to decline, instead of entering on a scene
‘ of war, merely to gratify the ambitious views of gaining fruit-
‘ less or imaginary conquests.

‘ By these moral and political maxims was the glory and re-
‘ putation of the republic so far spread, and foreigners animated
‘ to place so great a confidence in the steady determinations of a
‘ state so wisely and prudently conducted, that a concourse of
‘ them stocked this country with an augmentation of inhabit-
‘ ants and useful hands, whereby its trade and opulence were
‘ from time to time increased.

‘ III. Amongst the adventitious and external causes of the
‘ rise and flourishing state of our trade may be reckoned—

‘ That at the time when the best and wisest maxims were
‘ adopted in the republic as the means of making trade flour-
‘ ish, they were neglected in almost all other countries ; and
‘ any one, reading the history of those times, may easily disco-
‘ ver, that the persecutions on account of religion throughout
‘ Spain, Brabant, Flanders, and many other states and king-
‘ doms, have powerfully promoted the establishment of com-
‘ merce in the republic.

‘ To this happy result, and the settling of manufacturers in
‘ our country, the long continuance of the civil wars in France,
‘ which were afterwards carried on in Germany, England, and
‘ divers other parts, have also very much contributed.

‘ It must be added, in the last place, that during our most
‘ burdensome and heavy wars with Spain and Portugal, (how-
‘ ever ruinous that period was for commerce otherwise,) these
‘ powers had both neglected their navy ; whilst the navy of the
‘ republic, by a conduct directly the reverse, was at the same
‘ time formidable, and in a capacity not only to protect the trade
‘ of its own subjects, but to annoy and crush that of their ene-
‘ mies in all quarters.’*

We believe our readers will agree with us in thinking, that
these statements reflect the greatest credit on the merchants and
government of Holland. Nothing, as it appears to us, could be
conceived more judicious than the account they give of the
causes which principally contributed to render Holland a great

commercial commonwealth. The central situation of the country, its command of some of the principal inlets to the continent, and the necessity under which the inhabitants have been placed, in consequence of the barrenness of the soil, and its liability to be overflowed, to exert all their industry and enterprise, are circumstances that seem to be in a great degree peculiar to Holland. But though there can be no doubt that their influence has been very considerable, no one will pretend to say that it is to be compared for a moment with the influence of those free institutions which, fortunately, are not the exclusive attributes of any particular country, but have flourished in Phœnicia, Greece, England, and America, as well as in Holland. Even if we had not the invaluable testimony of the Dutch merchants and ministers to establish the fact, the history of commerce and industry proves beyond all controversy, that their progress has uniformly been proportioned to the liberality of the governments under which they have been carried on, and the security and freedom enjoyed by the inhabitants. What but the comparative security and liberty of the citizens, was the cause of the revival of commerce and the arts in towns and cities during the middle ages, at a time when the rural population of Europe was a prey to every sort of disorder? When Spain possessed her Cortes, and the civil and religious privileges afforded by her ancient laws, she made a rapid progress in the career of civilisation. The enterprise of the citizens, their wealth and industry, kept pace with those of their most industrious and favoured neighbours. But after the crooked and selfish policy of Ferdinand, the ambitious projects of Charles V., and the blind and brutal bigotry of Philip II. had extinguished the liberties of the nation, all its energies were paralysed. It abounded, indeed, in festivals, processions, shovel-hats, and all that Dr Southey would reckon valuable, but it had neither industry, nor enterprise, nor wealth. It is, however, some consolation to know, that this intolerant and vicious system of government has proved no less fatal to the monarchs by whom it was established, than to their subjects. While, on the one hand, the inhabitants of the peninsula have been distinguished, for about two centuries, only for ignorance, pride, bigotry, poverty, and laziness; the successors of Charles V. have, on the other, sunk to the lowest place among princes; and, instead of being regarded, as of old, when they ruled over a free people, with mingled feelings of admiration, envy, and apprehension, they have become a by-word among nations, and are objects of universal contempt and derision.

Many dissertations have been written to account for the de-

cline of the commerce of Holland. But, if we mistake not, its leading causes may be classed under two prominent heads, viz first, the natural growth of commerce and navigation in other countries; and second, the weight of taxation at home. During the period when the republic rose to great eminence as a commercial state, England, France, and Spain, distracted by civil and religious dissensions, or engrossed wholly by schemes of foreign conquest, were unable to apply their energies to the cultivation of commerce, or to withstand the competition of so industrious a people as the Dutch. They, therefore, were under the necessity of allowing the greater part of their foreign, and even of their coasting trade, to be carried on in Dutch bottoms, and under the superintendence of Dutch factors. But after the accession of Louis XIV., and the ascendancy of Cromwell, had put an end to internal commotions in France and England, the energies of these two great nations began to be directed to pursuits of which the Dutch had hitherto enjoyed almost a monopoly. This growing inclination on the part of the English and French people was powerfully assisted by their respective governments, who, envying the wealth and power the States-General had attained by means of commerce and navigation, were anxious to turn the industry of their subjects into the same channels. For this purpose, the Parliament of England passed, in 1651, the famous Act of Navigation, the object of which was to exclude the Dutch from the carrying trade of this country; and in 1664 was promulgated the famous French tariff, compiled under the direction of M. Colbert, the principal object of which was to promote the commerce and navigation of France, by harassing those of the republic. There is, however, much reason to doubt whether these regulations had the influence commonly ascribed to them. At best they only hastened by a few years a result that would, though they had never been enacted, certainly have taken place. Their popularity is, indeed, a sufficient proof that they were in unison with the spirit of the age, or, in other words, that they strengthened a bias which the natural progress of events had already given to the national industry. It was not to be supposed, that after tranquillity, and a regular system of government, had been established in France and England, their active and enterprising inhabitants would submit to see one of their most valuable branches of industry in the hands of foreigners. The Dutch ceased to be the carriers of Europe, without any fault of their own. Their performance of that function necessarily terminated as soon as other nations became possessed of a mercantile marine, and were able to do for themselves what had previously been done for them by their neighbours.

Whatever, therefore, might have been the condition of Holland in other respects, the natural advance of rival nations must inevitably have stripped her of a large portion of the commerce she once possessed. But the progress of decline seems to have been considerably accelerated, or rather, perhaps, the efforts to arrest it were rendered ineffectual, by the extremely heavy taxation to which she was subjected. It is necessary, however, to observe, that this taxation was not occasioned by any misconduct on the part of the rulers of the republic,—the most severe spirit of economy having always pervaded every branch of the administration,—but by the unavoidable expenses incurred in the revolutionary struggle with Spain, and the subsequent wars with France and England. The necessities of the state led to the imposition of taxes on corn, on flour when it was ground at the mill, and on bread when it came from the oven; on butter, and fish, and fruit; on income and legacies; the sale of houses; and, in short, almost every article either of necessity or convenience. Sir William Temple mentions that in his time—and taxes were greatly increased afterwards—one fish sauce was in common use, which directly paid no fewer than *thirty* different duties of excise; and it was a common saying at Amsterdam, that every dish of fish brought to table was paid for *once* to the fisherman, and *six* times to the state.

The pernicious influence of this heavy taxation has been ably set forth by the author of the *Richesse de la Hollande*, and other well-informed writers; and it has also been very forcibly pointed out in the Dissertation already referred to, drawn up from the communications of the Dutch merchants. ‘Oppressive taxes,’ it is there stated, ‘must be placed at the head of all the causes that have co-operated to the prejudice and discouragement of trade; and it may be justly said, that it can only be attributed to them that the trade of this country has been diverted out of its channel, and transferred to our neighbours, and must daily be still more and more alienated and shut out from us, unless the progress thereof be stopt by some quick and effectual remedy: Nor is it difficult to see from these contemplations on the state of our trade, that the same will be effected by no other means than a *diminution of all duties*.’

‘In former times this was reckoned the only trading state in Europe; and foreigners were content to pay the taxes, as well on the goods they brought hither, as on those they came here to buy; without examining whether they could evade or save them, by fetching the goods from the places where they were produced, and carrying others to the places where they were consumed: In short, they paid us our taxes with pleasure, without any farther enquiry.’

‘ But since the last century, the system of trade is altered and
 ‘ over Europe : Foreign nations seeing the wonderful effect of our
 ‘ trade, and to what an eminence we had risen only by means
 ‘ thereof, they did likewise apply themselves to it; and to save
 ‘ our duties, sent their superfluous products beside our country,
 ‘ to the places where they are most consumed; and in return for
 ‘ the same, furnished themselves from the first hands with what
 ‘ they wanted.’

But notwithstanding this authoritative exposition of the pernicious effects resulting from the excess of taxation, the necessary expenses of the state were so great as to render it impossible to make any sufficient reductions. And, with the exception of the transit trade carried on through the Rhine and the Meuse, which is in a great measure independent of foreign competition, and the American trade, most of the other branches of the foreign trade of Holland, though still very considerable, continue in a comparatively depressed state.

In consequence principally of the oppressiveness of taxation, but partly, too, of the excessive accumulation of capital that had taken place, while the Dutch engrossed the carrying trade of Europe, profits in Holland were reduced towards the middle of the seventeenth century, and have ever since continued extremely low. This circumstance would of itself have sapped the foundations of her commercial greatness. Her capitalists, who could hardly expect to clear more than two or three per cent of nett profit by any sort of undertaking carried on at home, were tempted to vest their capital in other countries, and to speculate in loans to foreign governments. There are the best reasons for thinking that the Dutch were, until very lately, the largest creditors of any nation in Europe. It is impossible, indeed, to form any accurate estimate of what the sums owing them by foreigners previously to the late French war, or at present, may amount to; but there can be no doubt that at the former period the amount was immense, and that it is still very considerable. M. Demeunier* states the amount of capital lent by the Dutch to foreign governments, exclusive of the large sums lent to France during the American war, at *seventy-three* millions sterling. According to the author of the *Richesse de la Hollande*, (ii. p. 292,) the sums lent to France and England only, previously to 1778, amounted to 1,500,000 livres tournois, or sixty millions sterling. And besides these, vast sums were lent to private individuals in foreign countries, both regularly as loans at interest, and in the shape of goods advanced at long credits. So great was the dif-

* Dictionnaire de l'Economie Politique, tom. iii. p. 720.

culty of finding an advantageous investment for money in Holland, that Sir William Temple mentions, that the payment of any part of the national debt was looked upon by the creditors as an evil of the first magnitude. 'They receive it,' says he, with tears, not knowing how to dispose of it to interest with such safety and ease.'

Among the subordinate causes which contributed to the decline of Dutch commerce, or which have, at all events, prevented its growth, we may reckon the circumstance of the commerce with India having been subjected to the trammels of monopoly. De Witt expresses his firm conviction, that the abolition of the East India Company would have added very greatly to the trade with the East; and no doubt can now remain in the mind of any one, that such would have been the case. The object of the Company's directors was not to carry on an extensive trade with a moderate profit, but to carry on a limited trade with a large profit. To effect their purpose they laboured with unequalled perseverance to obtain and preserve the monopoly of the spice trade; evincing, in their whole conduct with respect to it, a degree of rapacity and cruelty that is hardly, we believe, to be matched in the history of any other exclusive association. 'That they might,' says Mr Crawford, in his valuable work on the Eastern Archipelago, 'regulate and control the production and price of cloves just as they thought proper, the clove trees were extirpated everywhere but in Amboyna, the seat of their power; and the surrounding princes were bribed by annual stipends, to league with them for the destruction of their subjects' property. This plan was begun about the year 1631. The contracts are still in force; and their annual fleet visits the surrounding islands, to suppress the growth of cloves, which, in their native country, spring up with a luxuriance which these measures of satanic rigour, and of sacrilege towards bountiful nature, can scarce repress. In consequence of this plan—a plan carried on with so much iniquity and bloodshed—the country of spices is rendered a petty farm, of which the natural owners are reduced to the worst condition of predial slavery, and the great monopolizer and oppressor is that government whose duty it should have been to ensure freedom and afford protection. Human iniquity could hardly devise a plan more destructive of industry, more hostile to the growth of public wealth, or injurious to morals, than this system, framed in a barbarous age; and it reflects disgrace upon the character of a civilized people to persevere in it.'—(Vol. iii. p. 388.)

The same detestable system has been followed with respect to the production of nutmegs, and generally, of all those spices that are understood to be the exclusive growth of the Moluccas. In

consequence, the trade in them has been so much reduced, as to have been, for a long time past, unable to afford employment for the capital of half a dozen wealthy merchants; and the rapacity of a few monopolists has caused the Dutch character in Asia to be looked upon, for more than a century and a half, as an epitome of all that is base and mercenary.

The capital of the Dutch East India Company amounted to only 6,500,000 florins, being about L.542,000 sterling, divided into transferable shares of 3,000 florins each. The ascendancy they early gained over the Portuguese, the rich prizes they took from them, and above all, their monopoly of the spice trade, enabled the Company, notwithstanding the wars in which they were engaged, and their losses by shipwreck and otherwise, to realise for a while enormous profits. The annual dividends for the six years ending with 1610 were as high as 36 per cent. In 1606, they rose to the astonishing rate of 75 per cent; and in 1616 they were 62½ per cent. At one period, the price of a share in the Company's stock was as high as 26,000 florins, being more than eight times its original cost. The dividends gradually declined, according as the trade of the English, and other nations, with India, was extended. For some years previously to the dissolution of the Company in 1796, they were nominally 12 per cent, but were in reality much lower.

Unlike their countrymen engaged in other branches of commerce, the East India Company made no efforts to prosecute trade on fair mercantile principles. Their whole object was to exclude competition; to grasp at the monopoly of particular products; and when they had obtained it, they took care, by narrowing the supplies brought to market, to raise their price to many times their real cost. They succeeded for a short time in getting the exclusive command of the pepper trade; and the first use that they made of it was, to raise the price of pepper to eight shillings a-pound, being about 100 per cent higher than the Portuguese prices. It is supposed that they must, during a few years, have made a profit of not less than 3,800 per cent on this single article.*

In consequence of this system, the quantity of Indian produce imported, and the Company's trade, were confined within comparatively narrow limits. It has been estimated, apparently on very good grounds, that, had the Indian trade been conducted on the principle of fair and open competition, it would, instead of requiring only a capital of L.542,000, have furnished an advantageous employment for one of at least *ten* millions. The

* Crawford's *Eastern Archipelago*, vol. iii. p. 368.

ruth is, that the notions that have been long current with respect to the *magnitude* of the commerce carried on by the Dutch East India Company, have been quite as visionary as those entertained in this country with respect to the *profitableness* of the trade carried on by the lordly grocers of Leadenhall Street. We have already seen, that, at the time when John De Witt published the *True Interest of Holland*, the trade of the republic is supposed to have employed 10,000 sail of shipping; but even then, the ships annually engaged in the East India trade amounted to 'only *ten* or *sixteen* going and coming.'* From 1614 to 1730, the prosperous period of the Company's affairs, the whole number of ships which arrived in Holland from India, was but 1621, giving only *fourteen* ships at an average to each year.† If any farther or more striking proof of the ruinous influence of monopoly, of its tendency to narrow and choke up what would otherwise be the most extensive commercial channels, could be desired, it would be found in the fact, that the American free traders engaged in the trade between the United States and the dependencies of Holland in the East Indies, exceed, both in number and tonnage, the ships employed by the Dutch Company.

It may justly excite surprise, that so acute and sagacious a people should have tolerated so monstrous an abuse, and that the States-General should not have early perceived the impolicy of surrendering so important a branch of commerce to an exclusive Company, acting on such principles. But instead of being looked upon as a nuisance, that ought at all hazards to be abated, the East India Company was very generally regarded as one of the principal supports of the republic. It had occasionally, indeed, rendered some direct service to the state, and it had, unlike some similar associations, always been able to maintain itself without any aid from the public treasury. But these advantages were purchased at an enormous cost, and by contributing to blind the public to the miserable effects of the monopoly, were really injurious. Perhaps, however, the peculiar constitution of the Company contributed more than any thing else to its duration. Had the management and patronage been entirely in the hands of the merchants of Amsterdam, the Company would doubtless have had to encounter the hostility of those in the outports. This, however, was not the case. The Company's stock was distributed among six of the principal towns, each of which had a separate chamber, or board of directors, amounting in all to *sixty-five*. The patronage was distri-

* *True Interest of Holland*, p. 27. Lond. 1745.

† Crawford's *Eastern Archipelago*, vol. iii. p. 259.

buted amongst these chambers, according to the value of the stock held by each, and the directors had all handsome salaries. A board of seventeen directors was chosen from among the subordinate chambers, in which the supreme administration was vested. This board met alternately at Amsterdam and Middleburgh, six years at the former, and two at the latter.* In consequence of this constitution, almost all the leading capitalists and merchants throughout the republic were directly concerned in the administration of the Company's affairs; being at once the disposers and receivers of the patronage it had to bestow. Those whose interest would otherwise have led them to oppose the Company and to insist on the trade being thrown open, were thus induced to lend it an efficient support, and exerted themselves to protect an institution the most injurious that can well be imagined, to the commerce and navigation of the republic.

We may observe, by the way, that how injurious soever to the trade of Holland, the monopoly enjoyed by the Dutch East India Company was really less oppressive than that enjoyed by our own Honourable Company. The injury which the Hollanders sustained from their Company, consisted partly and principally, in its preventing them from engaging in a trade where they might have found an advantageous employment for that capital they were obliged to invest in France and England, and partly in its compelling them to pay an artificially enhanced price for spices. The latter, however, was not a very serious loss. Spices are not extensively consumed by any class; and the artificial increase in their price caused by the monopoly, did not impose any very considerable burden on any order of citizens. The inhabitants of Amboyna and the Moluccas were the real sufferers by the spice monopoly. It should, however, be observed, as serving to explain, if not extenuate, the conduct of the Dutch in India, that the Company had no exclusive right to supply the markets of Holland. They were the only Hollanders entitled to carry on a direct intercourse with India; but *every Dutch merchant had full liberty to import Indian commodities from England, France, and other European countries.* Under such circumstances, the Company had plainly no method of obtaining a monopoly price for the produce they imported, unless they could engross it in India; and hence the energy and perseverance with which they laboured to obtain the complete monopoly of the spice trade. In this respect, therefore, the constitution of the Dutch East India Company was altogether differ-

* For an account of the constitution, &c. of the Dutch East India Company, see Janiçon, *Etat Présent des Provinces Unies*, tome i. p. 205, &c.

ent from that of the English Company. Had tea been as popular a beverage in Holland as in England, the Dutch Company must, in order to sell the article at a monopoly price, have got possession of China, or, at all events, have been able to obstruct all intercourse between the Celestial Empire, and every other European and American power. But our Company is relieved from all fear of competition. Not only has it the exclusive right to engage in the China trade, but no English merchant dares import tea or other Chinese products from *Hamburgh* or *New York*, though they might be able to sell them here with a good profit for half the price charged by the Company. The monopoly established in favour of our Company is, therefore, infinitely more objectionable than that of the Dutch Company. During the entire period that the latter existed, every article of *East India* produce was sold as cheap in *Holland*, and generally cheaper, indeed, than in any other country. The Company might engross, if they could, a product in *India*; but it never entered into the imagination of a Dutch statesman, to give them a monopoly of the home market. This was, at all times, open to *Indian* goods imported by foreigners.

Sir Josiah Child, and other early defenders of the *East India Company*, used to make many and well-merited eulogies on the conduct of the 'wise Dutch.' We are not, indeed, aware, whether that particular part of their conduct to which we have now adverted, ever formed the subject of their encomiums; but we can undertake to affirm, that nothing would do more to reconcile the public to the continuance of the Company's monopoly, than their imitating the Dutch so far as to consent to the free importation of tea from *Amsterdam*, *Hamburgh*, &c. It is obvious, too, that if there be any truth in their reiterated statements as to the operation of their monopoly, their consenting to such a measure would do them no injury whatever; for they may be assured that no tea will be imported from *Amsterdam*, if it be already, as they affirm, as cheap in *London*. If the Company refuse to subject their statements to so reasonable a test, it will show that they are not, even in their own estimation, more substantial than *Mr Sadler's* harangues.

In illustration of what has been stated, with respect to the free importation of *Indian* goods into *Holland*, we may mention, that previously to the renewal of the *East India Company's* charter by *Cromwell*, in 1657, the trade from *England* to *India* had, for some years, been substantially free. And, as might be anticipated, the private adventurers carried it on with a zeal, economy, and success, that monopoly can never expect to rival. It is stated in a little work, entitled *Britannia Languens*, or a

Discourse of Trade, published in 1680, the author of which had evidently been a well-informed and very intelligent person, that during the years 1653-4, &c., when the trade to India was open, the private traders imported East Indian commodities in such large quantities, and sold them at such reduced prices, that they not only fully supplied the British markets, but had even come into successful competition with the Dutch in the market of Amsterdam, and 'had very much sunk the *actions* (shares,) of the Dutch East India Company.'—(P. 132.)

The report, that Cromwell intended to dissolve our Company, caused the greatest consternation among the partners of the Dutch Company, who foresaw that there would be an end of their exorbitant profits if they were to be brought into competition with free English traders. It is stated in a letter dated at the Hague, the 15th January 1654, in the third volume of Thurlow's *State Papers*, 'That the merchants of Amsterdam have advice, that the Lord Protector intends to dissolve the East India Company at London, and to declare the navigation and commerce of the East Indies free and open, which doth cause great jealousy at Amsterdam, as a thing that will very much prejudice the East India Company in Holland.' This shows pretty conclusively the opinion entertained by the 'wise Dutch,' of the Company's monopoly.

But to return:—The interference of the administration in regulating the mode in which some of the most important branches of industry should be carried on, seems also to have been exceedingly injurious. Every proceeding with respect to the herring fishery, for example, was regulated by the orders of government, carried into effect under the inspection of officers appointed for that purpose. Some of these regulations were exceedingly vexatious. The period when the fishery might begin, was fixed at five minutes past twelve o'clock of the night of the 24th June! and the master and pilot of every vessel leaving Holland for the fishery, were obliged to make oath that they would respect the regulation. The species of salt to be made use of in curing different sorts of herrings was also fixed by law; and there were endless regulations with respect to the size of the barrels, the number and thickness of the staves of which they were to be made; the gutting and packing of the herrings; the branding of the barrels, &c. &c.* These regulations were intended to secure to the Hollanders that superiority

* See the interesting work, entitled *Histoire des Peches, &c. dans les Mers du Nord*, tom. i. cap. 24.

which they had early attained in the fishery; and to prevent the reputation of their herrings from being injured by the bad faith of individuals. But their real effect was precisely the reverse of this. By tying up the fishers to a system of routine, they prevented them from making any improvements; while the facility of counterfeiting the public marks opened a much wider door to fraud, than would have been opened had government wisely declined interfering in the matter.

In despite, however, of the East India monopoly, and the regulations now described, the commercial policy of Holland has been more liberal than that of any other nation. And in consequence, a country not more extensive than Wales, and naturally not more fertile, conquered, indeed, in a great measure from the sea, has accumulated a population of upwards of two millions; has maintained wars of unexampled duration with the most powerful monarchies; and besides laying out immense sums in works of utility and ornament at home, has been enabled to lend hundreds of millions to foreigners. The Hollanders raise little corn; but thanks to their commerce, they have at all times a sufficient stock, not only to supply their own wants, but to assist in relieving those of their neighbours. Notwithstanding their country is destitute of native timber and iron, they use more of them, and are more abundantly supplied with all the materials of ship-building, than any other people. They raise neither hemp nor flax, nor do they give premiums on the growth of wool, and yet they have considerable manufactures of all these articles. Though their wine is imported from abroad, they drink it more freely than those nations that cultivate the grape. Their towns are the great marts for the spices and the coffee of the East; and abound, indeed, in all the commodities of all the countries of the world. Thus, where freedom and industry prevail,

Omnis fert omnia tellus.

No doubt the commerce of Holland, though still very great, is much decayed. But even at this moment the Dutch are, beyond all question, the richest and most industrious people in Europe. And their present, no less than their former state, shows that a free system of government, and the absence of restrictions on industry, can overcome almost every obstacle; can convert the standing pool and lake into fat meadows, cover the barren rock with verdure, and make the desert smile with flowers.*

* Vindication of Commerce and the Arts, p. 90.

ART. VI.—*Women as they Are ; or, the Manners of the Day.*
Second edition. 3 vols. 8vo. London. 1830.

WE are glad to meet with a respectable specimen of that class of works called 'novels of fashionable life,' which furnish an extensive and popular part of the *light reading* of the present day. We are not going, on this occasion, to break these butterflies upon the wheel of an austere criticism, or discourse of them in the language of Utilitarians. We will not, therefore, deplore that it should be impossible to extract from their pages any addition to intellectual philosophy. We do not censure them for the absence of qualities which some of the best of their class have never professed to exhibit. Every sensible person will look elsewhere for solid information. He turns to the novel for amusement, and hates to be cheated by a homily in disguise. Division of labour is a principle scarcely less commendable in literature than in manufactures ; and the attempt to combine many objects, is often productive of a failure in all. Many writers, in order to avoid the stigma of having indited a mere novel, have stuffed the pages of an ordinary love-tale with grave and weighty disquisitions ; but we question if the most elaborately didactic of this tribe has, after all his pains, produced any thing which the philosopher or politician would think deserving of serious attention, or which would excite the jealousy of a tenth-rate essayist. To works of this heterogeneous and deceptive class, which allure to the well-cushioned sofa of the novel-reader, and leave us seated in the uneasy chair of the scholastic disputant, we do not scruple to confess that we prefer the *mere novel* ; we prefer, that is, that a work should be solely and completely of the class to which it professes to belong. We have never heard it objected to the most popular dramatic works in our language that they were *mere plays*, and that the introduction of discussions which no audience would tolerate, would be very improving, and raise them considerably in the scale of literature. A novel and a play are only two different modes of telling a story, and there is no reason why an infusion which would spoil the one, should be considered beneficial to the other. If books were written, like the History of Herodotus, to be read aloud, this position would be too evident to need enforcement ; but an author now thinks he is excusable in being dull, if he only informs his readers that they may skip what they do not like. Let it not, however, be supposed, that because we reprobate the forced introduction of grave disquisitions into works of fiction, we are therefore disposed to advocate frivolous and profitless compositions, and dis-

claim for the novel the merit of utility. We have spoken thus, not because we do not wish a novel to do good, but because we are convinced that it cannot do good in that way. Though there be many whose minds require the occasional relaxation of *light reading*, and far too many who, we fear, are not disposed to read any thing else; yet we would say, if a novel shall only amuse, without awakening one generous thought, one feeling of sympathy with virtue, and abhorrence of vice, it were better that such a book, however innocent it may be deemed, should never have been written. It is by an unforced and insensible enlistment of our better feelings on the side of what is estimable, that the novel must hope for the commendation of the judicious, and raise itself to a height in the scale of literature, which, as a production intended solely to amuse, we would be the last to allow it. But it will not gain this desirable object by ambitiously arraying itself with an encumbering panoply, which will only check its progress, and render it distasteful to those very readers who might otherwise have derived from it most advantage. We require from the novel that it shall be moral in its tendency, that it shall be amusing, and that it shall exhibit a true and faithful delineation of the class of society which it professes to depict. This we would require alike from every novel which attempts to describe men and manners, of whatever class; and we would reprobate every endeavour to ground a distinction upon the station of the characters described, particularly by the use of a foolish word, ‘*fashionable*,’ which only a compliance with popular usage has induced us to insert in these pages. The object of the novelist is to delineate human nature, whether existing among lords and ladies, or in the lowest dregs of mendicancy. Some prefer pictures of the latter class, under the notion, which we think erroneous, that they are thereby afforded a better insight into human character, and view mankind in a less artificial state. For our own part, we conceive that it is more desirable to have correct delineations of that class of society which exercises the greatest influence; and in the absence of modern comedy, we are glad that our novelists should endeavour to present such sketches of the existing surface of society, as were once afforded in a different form by the Congreves and Cibbers of other times.

There are some things which women do better than men; and of these, perhaps, novel-writing is one. Naturally endowed with greater delicacy of taste and feeling, with a moral sense not blunted and debased by those contaminations to which men are exposed, leading lives rather of observation than of action, with leisure to attend to the minutiae of conduct, and more subtle developements of character, they are peculiarly qualified for the

task of exhibiting faithfully and pleasingly the various phases of domestic life, and those varieties which chequer the surface of society. Accordingly, their delineations, though perhaps less vigorous than those afforded by the other sex, are distinguished, for the most part, by greater fidelity and consistency—a more refined and happy discrimination, and, we must also add, a more correct estimate of right and wrong. In works which come from a female pen, we are seldom offended by those moral monstrosities, those fantastic perversions of principle, which are too often to be met with in the fictions which have been written by men. Women are also less stilted in their style: They are more content to describe naturally what they have observed, without attempting the introduction of those extraneous ornaments which are sometimes sought at the expense of truth. They are less ambitious, and are therefore more just;—they are far more exempt from that prevailing literary vice of the present day—exaggeration—and have not taken their stand among the feverish followers of what may be called the *intense* style of writing; a style much praised by those who enquire only if a work is calculated to make a strong impression, and omit entirely the more important question—whether that impression be founded on truth or on delusion. Hence the agonies and convulsions, and dreamy rhapsodies, and heated exhibitions of stormy passions, in which several of our writers have lately indulged. Imagination has been flattered into a self-sufficient abandonment of its alliance with judgment,—to which disunion it is ever least prone where it has most real power; and ‘fine creations’ (well so called, as being unlike any thing previously existing in nature) have been lauded, in spite of their internal falsity, as if they were of more value than the most accurate delineations of that world which we see around us. Those splendid perversions which the lurid brilliancy of Byron’s poetry compelled us to admire, have been much emulated in poetry, and much also in prose. These writers, like the scene-painter, have one main object in view—*effect*; and, like that popular artist, are little solicitous about merits that are not to be comprehended at the first glance. Abrupt transitions, paradoxical contrasts, crimes of complicated enormity, and passions of demoniacal violence, are favourite ingredients in the literary cauldron of this class. What Demosthenes said of action, as conducive to oratory, they seem to apply to *effect*, in fictitious narratives. With them, it is the first, second, and third requisite, and truth and consistency are neglected and despised. Shakspeare, who (as Captain Bluffe says of Hannibal) was ‘a pretty fellow in his time,’ and no mean proficient in the art of producing an effect, attained this end by

more legitimate means, and without sacrificing one iota of truth. So thoroughly did the great principle of truth pervade his writings, that, far from attempting to dazzle the world with glaring exhibitions of man as he is not, he even so described supernatural beings, that (as has been already well remarked) we feel a conviction, that if such beings had existed, they would have acted and spoken as he has represented. We are convinced that his fame has attained its present height and stability, not so much because we smile, and weep, and shudder, and are more powerfully affected by his works than by those of other men, but because we are ever more and more convinced, after the most careful attention, that his delineations of human nature are founded upon truth; and this it is which principally raises his writings above the vigorous productions of some of those his contemporaries, whom it has lately been the fashion, among the Pancirolli of modern literature, to exalt almost to an equality with him.

It is by an attention to truth in their delineations, that the female novelists of this age are, for the most part, honourably distinguished. We know comparatively very few instances of decidedly false views of society or morals having been lately promulgated by women. They have done little to strengthen the heads of their readers, but they have applied themselves to that office for which woman is by nature best calculated—the improvement of their hearts. Differing in other characteristics, they are, with very few exceptions, united in this; and they form a class eminently entitled to respect, and containing among them some whose reputation we believe will be much less ephemeral than the apparently trivial import of their productions would at first lead us to imagine. We cannot think of the female delineators of society, of the last twenty years, without the name of Miss Edgeworth rising among the foremost to our recollection. We have been largely indebted to her in our more youthful days for many hours of innocent, and not unprofitable, amusement. For clearness, practical good sense, and acute insight into the motives of human conduct, she must ever occupy a very high place in the class to which she belongs; and to these merits may be superadded that of a style eminently lucid, harmonious, and easy. It is true, she seldom approaches to eloquence, and never to poetry; but she never sinks into dulness, and there are few, if any, whose works can be read with more unremitted pleasure. Of all novelists, she is the most practical. The desirableness of adapting a fictitious tale to the illustration of some one particular point of conduct, may perhaps be questioned; but never has this difficult task been executed with such clearness, directness, and apparent ease, as by Miss Edgeworth. She

is eminently an Utilitarian, and always sets plainly before us the practical bearing of such or such line of conduct, with a view to some useful end. Every thing is omitted that is not convertible to this purpose; and the glowing pictures with which other novelists try to embellish their fictitious territory, are by her appropriated to a more homely, but profitable, culture. Yet such is the admirable management of her story, the rapid, yet natural, march of the action, and the spirit and variety of her characters, that we are little disposed, during the progress of the tale, to regret the comparative paucity of adventitious ornaments, and complete absence of poetical elevation. Holding Miss Edgeworth in high esteem as a delineator of human beings, such as they exist in modern life, we would nevertheless say, that she is to be admired rather as a describer of conduct than of character, of manners than of mind,—rather of persons in their relation to others, and as parts of the great social machine, than in their individual capacity. We are told, with admirable fidelity and acuteness, what motives impel this or that person, under particular circumstances, to such or such a course of proceeding; but we are seldom furnished with such a clew to the character of that person, as would enable us to judge how he would act under circumstances widely different. The most perfect delineation of a character is that which would enable us to calculate upon the conduct of the person in all situations, as much as we reasonably could after an intimate acquaintance with an individual in real life; and such a delineation differs from the other, as an algebraical solution differs from the solution of a sum in arithmetic. The one is applicable to many cases; the other explains nothing but the question proposed. After this, we must in justice say, that Miss Edgeworth's sketches of character are, for the most part, admirable, *as far as they go*; we only complain that they do not always go deep enough. Miss Edgeworth has been much, and deservedly, praised for her Irish characters—but we think rather unfairly, to the prejudice of her English ones; as if, because she has greatly excelled in the former, she could do nothing else well. We do not think her reputation would be materially less than it is, if she had never depicted a single Irish person. Enough would still remain to constitute her a novelist of a very high order. Her Mrs Beaumont, her Mrs Somers, her Falconer family, and many other characters which we might mention—and such tales as *Forrester*, *L'Ami Inconnu*, and *Leonora*—would be sufficient monuments of her skill, though perhaps not one of these is singly equivalent to her *Castle Rackrent*.

Miss Austen has never been so popular as she deserved to

re. Intent on fidelity of delineation, and averse to the commonplace tricks of her art, she has not, in this age of literary quackery, received her reward. Ordinary readers have been apt to judge of her as Partridge, in Fielding's novel, judged of Garrick's acting. He could not see the merit of a man who merely behaved on the stage as any body might be expected to behave under similar circumstances in real life. He infinitely preferred the 'robustious periwig-pated fellow,' who flourished his arms like a windmill, and ranted with the voice of three. It was even so with many of the readers of Miss Austen. She was too natural for them. It seemed to them as if there could be very little merit in making characters act and talk so exactly like the people whom they saw around them every day. They did not consider that the highest triumph of art consists in its concealment; and here the art was so little perceptible, that they believed there was none. Her works, like well-proportioned rooms, are rendered less apparently grand and imposing by the very excellence of their adjustment. It must perhaps be confessed, that she availed herself too little of the ordinary means of attracting attention and exciting interest. Her plots are very simple, formed upon the most rigid view of probabilities, excluding every thing romantic or surprising, or calculated to produce a very powerful emotion, and including only such events as occur in every-day life. Her characters are, for the most part, commonplace people, little distinguished by their mental qualities from the mass of their fellow-creatures, of secondary station, and hardly ever exhibited through that halo of rank and wealth which makes many an ill-drawn sketch pass current with a credulous public. '*Materiam superabat opus*,' may be said of her works. No novelist perhaps ever employed more unpromising materials, and by none have those materials been more admirably treated. Her forte lay not so much in describing events, as in drawing characters; and in this she stands almost alone. She possessed the rare and difficult art of making her readers intimately acquainted with the characters of all whom she describes. We feel as if we had lived among them; and yet she employs no elaborate description—no metaphysical analysis—no antithetical balance of their good and bad qualities. She scarcely does more than make them act and talk, and we know them directly. In dialogue she also excelled. Her conversations are never *bookish*—they are just what might have been said; and they are eminently characteristic. We have seen a good deal of spirited dialogue, in which the parts might be transposed and given to other interlocutors, with very little injury to the effect of the whole. This is never the case in the conversations intro-

duced by Miss Austen. Every thing that is said, however short and simple, belongs peculiarly to the person by whom it is uttered, and is indicative of their situation, or turn of mind : And yet they do not seem to talk for effect ; they merely say just what it seems most natural that they should have said. In the ridicule of human foibles, she showed great delicacy and address. She never railed in set terms, and seldom launched the shafts of direct satire ; but she made us equally sensible of the absurdity or unreasonableness which she wished to expose,—perhaps without even having recourse to one single condemnatory expression. A nicely-regulated vein of humour runs through her writings, never breaking out into broad mirth, but ever ready to communicate a pleasing vivacity to the current of her story. To the above merits may be added those of the purest morality, and most undeviating good sense. Few, if any, fictitious writings have a more decided tendency to improve the hearts of those who read them ; and this end is gained without any thing that could be called sermonizing even by the most impatient.

The merits of Mrs Opie were of a very different and more limited description. As delineations of society, her sketches were of no value ; neither did she excel in drawing characters, nor in making her personages act and talk as they would in real life. Her plots were not constructed with much attention to probability ; and her style was too much infected with meretricious ornament. The passions were her province, and her forte lay in the exhibition of their workings. Here she was eminently successful, and could interest the feelings of her readers in a powerful degree. She excelled, like Godwin, in developing the morbid anatomy of the human heart, and possessed in some respects a kindred talent, though she cannot be said to have produced any work that is equal in force to ‘Caleb Williams.’ Her ‘Father and Daughter’—an appalling piece of domestic tragedy—is perhaps the most deeply affecting of her writings ; but for a short and convincing proof of her power, we would refer to a little tale entitled, ‘Confessions of an Odd-tempered Man,’ contained in a collection called (if we mistake not) ‘Tales of Real Life,’ and which bears some resemblance to the ‘Adolphe,’ of Benjamin Constant. Of the novels of the once-popular Madame d’Arblay, (Miss Burney,) only one falls within the scope of this retrospect,—that long and provoking tissue of improbable distresses, ‘The Wanderer ;’ which we can remember having once toiled through, when our appetite for novels was much keener than at present, with considerable vexation of spirit. Miss Burney, the younger, was respectable, and nothing more. Mrs Hannah More hung some good moral discourses

on the frame-work of a story; but we can hardly call her a novelist. The authoress of '*Rhoda*,' must not be forgotten, whose portraits of the Stricklands, in that novel, proved her to be an able delineator of character; and, notwithstanding their coarseness, there is much that is clever and amusing in the writings of Miss Hawkins. The authoress of '*Marriage*,' and '*The Inheritance*,' has received the public commendation of the Author of *Waverley*, and she is not unworthy of that flattering distinction. She combines much of Miss Austen's skill in portraying character, and her nice perception of its more delicate shades, with a far greater knowledge of picturesque effect, and what may be called the poetry of her art, and a power to excite deep interest, and to cope with difficult situations and violent notions, and to display them successfully. She is not, however, very attentive to probabilities; and has, like Miss Hawkins, a tendency to be prolix, especially where strong passions are to be displayed, and where, as they cannot be sustained long, brevity is of most importance.

We could extend this list much farther; but it would be superfluous to comment at great length on works fresh in the recollection of the public, unless they were among the first of their class, and were distinguished from the rest by characteristics of a very marked description. There are several whom we must, at present, leave unnoticed, whose merits are perhaps fully equal to some of those whom we have already mentioned.

Among the foregoing class of novelists, Mrs Gore, the authoress of the work before us, and who has also written that excellent tale, the '*Lettre de Cachet*,' and several others of considerable merit, is entitled to a high place. Her present work is a lively, amusing, and, for the most part, a tolerably true sketch of the surface of modern society. We say the *surface*, and with some regret, for we think the authoress has given sufficient indications of a power to portray something more than the external trappings and flighty frivolities of what in modish slang is called 'the world.' We think the picture (to speak pictorially) wants depth and relief, and is rather too highly coloured, probably with a view to greater brilliancy and airiness of effect; but there is considerable ease and precision of touch; and its faults evidently do not result from any want of acquaintance with the kind of society described. It has all the lightness and delicacy of a female hand, and could not possibly be mistaken for the work of a man, even if there were none of those many allusions to millinery, great part of which might very advantageously be spared. One of its principal charms is the fluent ease and sparkle of its style, to which even a prodigality of

ornament imparts no portion of heaviness. The characters are picturesquely sketched, and occasionally with much happy discrimination ; but of many of them it may be said, that we only, as it were, know them by sight as figures moving across the magic lantern of society, and are not rendered intimately acquainted. To all idle attempts to attach to any of them the badge of personality we would, as in all similar cases, turn a deaf ear. Such attempts are among the most disgraceful quackeries of the modern press,—the ready pander to a vitiated taste. There is a good deal of conversation, and it is lively, graceful, and frequently witty ; but often too elaborate, and contains more metaphors and ingenious turns of expression than we have ever heard to occur in the every-day dialogue even of those who pretend most to a reputation for colloquial brilliancy. This is one of the most pardonable faults in written dialogue, but which, when pushed to an excess, certainly detracts much from its effect. Mrs Gore's dialogue has also another very common fault—a fault not avoided even by Sheridan and Congreve—that of not being sufficiently characteristic. All her personages speak nearly the same language. The same style of metaphor and witicism,—the same preposterous interlarding of foreign phrases,—are common almost to all, although many of them are represented as widely different in character. And here we must enter a formal protest against the excessive introduction of French. There are many French words which are naturalized among us, and which we cannot do without, having no equivalent in English ; but it is neither necessary, nor natural, nor becoming, for persons who have a competent knowledge of their own tongue to interlard their talk with foreign phrases. In conversation, such an intermixture would sound affected, and the premeditated affectation of committing it to print is still less pardonable. We nauseate that piebald style which has lately prevailed, of sayings and quotations, tricked out with italics and inverted commas, and which cannot be rendered palatable, even by the agreeable pen of Mrs Gore.

We will not attempt to offer any analysis of the plot of this novel. This can seldom be done without injustice. The best composed story sounds bald and uninteresting when we hear nothing but the mere outline. Let it suffice to say, that the tale opens with the union of an amiable and inexperienced girl, the younger daughter of a baronet, with a middle-aged man of high rank and large fortune (Lord Willersdale) ; and that much of its interest is produced by her introduction into the vortex of London gaiety, and the dangers by which her youth and simplicity are assailed. Their domestic happiness is insidiously undermined by a sister of

the husband, an artful, malicious 'woman of the world.' She is spiritedly drawn, but we think with somewhat of exaggeration. We particularly object to Lady Danvers being made to tell the story of her own life, in driving home with her sister-in-law from a party. It is doubtless quite according to precedent. Heroines and their friends have ever been accustomed to narrate their lives and adventures from the earliest periods of romance-writing to the present time. But the practice, however ancient and respectable, can no longer be permitted in works which profess to afford true pictures of society as it now exists. Persons are not in the habit of giving *viva voce* sketches of their own lives; and this is a sufficient objection. It may further be said, that the above-mentioned narrative is exactly what Lady Danvers, a cautious, artful woman, would, in her situation, and with her views, not have given. Neither can we admire the lady's overweening agonies on the occasion of a thinly-attended party;—and why thinly attended? Because her brother is just gone out of office. We think this reason will excite a smile among those who know how slight is the influence of office in what is called the fashionable society of London,—how little politics are allowed to mingle with its festivities,—how little the idlers, who throng for amusement to the house of a fête-giving lady, care whether her nearest relatives are Whig or Tory, *in* or *out*. The autobiographical sketch to which we have adverted is lively and pointed, though too elaborate and unconversational, and rather flippant in its tone. But it shall speak for itself:—

'My father, Helen, was a *gold stick*! I speak it not ironically, although the fact might justify my filial impiety. My mother was a lady in waiting. They were fairly matched; for both seemed formed only to kiss hands;—a perpetual bow appeared to incline the paternal vertebræ, and an eternal curtsy to bow the loyal knees of my gracious lady-mother. Their very virtues savoured of Windsor: Lady Willersdale nursed her own sickly children in emulation of Queen Charlotte; and his lordship devoured his tough roast mutton at three o'clock, after the example of his unsophisticated sovereign. I remember my youthful reverence for that most graceful union of blue and scarlet broadcloth, which liveried the household gods of my parent's idolatry, and which would dishonour their footmen; the Windsor uniform appeared to me the wedding garment of the heavenly banquet! My philological initiation was equally peculiar. One word—and that of no very striking grandiloquence—one universal noun governed all the verbs of the Willersdale lexicon—*Influence*! Riches and rank became subordinate distinctions; for he who had *influence* might dispense with, or command, both. *Influence* could bleach the stains of sin—could throw its brocade over the russet gown of obscurity—could supply wit and wisdom to the dull—reputation to the depraved; could atone for the wreck of health—the waste of existence—the forfeiture

of heaven ! Vainly did patriotism, and generosity, and piety, and the quadruple cardinalate, ride forward on their "high-trotting horses ;" a man once seated in the saddle of *influence* might defy them on their own course.—Such were the tenets of my parents—such the creed of their daughter.

'The birth-night arrived which was to inaugurate me into the real business of life ; and my mother's point lappets literally vibrated with emotion. Fortunately my minuet was triumphant ; and the good-nature of a royal compliment stamped me current as a beauty ; her Majesty graciously pronounced me to be the exact image of some consanguineous highness of Mecklenburg. Heaven forbid, that the family portraits of that illustrious dynasty extant at Windsor Castle should serve to avouch the fact ! A few days afterwards, a fête at Frogmore somewhat amended my conceptions of the joys of courtiership. The stately minuet gave place to lighter movements ; and a single smile from the Prince, who was then in the full glory of his graceful youth, dispersed from my mind all its prejudices touching the formality of royalty. A smile from the Prince !—the word *influence* already assumed a more powerful meaning in my ears.

'Before the close of the season, a certain fat foolish Lord Danvers was presented to me by my father for my acceptance. I enquired concerning his temper ; I was told of his boroughs. I was curious respecting his principles ; a yard of rent-roll was unfolded to my scrutiny. I asked his character in the world ; and my mother pointed in the peerage to the date of his creation. One only question remained. Was he a man of any *influence* ? "My dear Honoria," replied my father, stretching the ruffle of his shirt by his utmost dignity of elevation, "do you suppose that I should otherwise have afforded his lordship's proposals one moment's consideration ?"

'From that day nothing was talked of in the house but white and silver lama ; and blue and gold tissue ; the archbishop who was to perform the ceremony ; and the royal bridesmaids who were to honour our nuptials. All the newspapers of the day recorded the happiness of a bride to whom her Majesty had graciously presented a Dresden teapot as a wedding present ; but no one commemorated the good advice by which the gift was accompanied ;—yet that royal exhortation was the first word of Christian, or womanly, counsel that ever reached my ears. As the matron homily of the Queen is rather too long for recital, I shall only record the parting benedictions of my parents. "God bless you, Lady Danvers," said my mother, wiping her eyes. "Remember, that if you wish to attain any *influence* over your husband, gluttony is his little foible. I present you with these volumes—the '*Cuisinier Bourgeois*,' and the '*Cuisinier Impérial*.' Make them the manual of your studies, and you will acquire unlimited power over the *mind* of Lord Danvers. The weakness of a husband forms the stronghold of the wife."

"I wish your ladyship may live to enjoy all the blessings of this life," said my father, profoundly touched by the emblazonments of my travelling carriage. "But remember, Honoria, that if you wish to retain your *influence* in society, you must not contract your views and waste your time upon the littlenesses of domestic life. The mind, says a distinguished philosopher, which applies itself to trifles, becomes incapable of extend-

g its views to objects of importance.—Farewell, my dear child; your spot will be safe in Lady Willersdale's cabinet till you return."

There are two heroines in this novel. One of them we have ready mentioned; the other appears as a *protégée* of the former, and her origin is unknown till towards the end of the book, when surprising and not very probable *eclaircissement* takes place. The romantic parts of her history are very little to our taste; and the episode, where the fate of her mother is related by her guardian, we consider among the least commendable parts of the work. The character of Lady Mordaunt, the worldly-minded mother of Lady Willersdale, is well drawn. The following conversation with her daughter, Lady Willersdale, will exhibit it clearly and amusingly to our readers:—

"Lady Danvers appears very kind to you, my dear; I hope you omit no occasion of cultivating her friendship. Those kind of people are easily conciliated by a little delicate subservience to their whims. My daughter Lilfield was observing to me only the other day, of how much use Lady Danvers might be to the girls. Poor Jane will be looking to you to help her about Almack's."

"I recollect that my sister formerly entertained a very indifferent opinion of her character."

"Hush! my dear Helen—hush! How do you know that your maid is not in the next room? One cannot be too cautious in speaking of character:—personality is as dangerous as it is vulgar. My daughter Lilfield very sensibly observes that we should talk of *things*, and not of *persons*."

"Believe me, she has not always adhered to her own maxim in Lady Danvers's case."

"My dear, your sister is a very well-judging woman. Her family increases; she has already several daughters, most of them promising to be ugly. Now, I only ask you whether she would be wise, under such circumstances, to neglect a woman holding Lady Danvers's place in society?"

"With due deference to the ugliness of my little nieces, I should say—certainly. With *her* opinion of Honoria's character, my sister, as the guardian of her daughters, has a double motive for shunning such an acquaintance."

"Your argument only proves, my dear Helen, how little you know of the world; I had hoped, indeed, that your intercourse with the circle in which you are so fortunate as to move, would give you a clearer insight into things. Nothing can exceed the impertinence of presuming to give laws to society; any person whom you find favoured by its good opinion, you have no right to suppose unworthy the distinction. It argues a very uncharitable persuasion of one's own merit, to be the first to throw the stone, and fix the stigma of reprobation upon another—as my daughter Lilfield very sensibly observes."

"Pray do not suppose, mamma, that I affect such a severity of matronly virtue. I am only curious to know by what process Honoria's cha-

acter has become bleached at Beech Park. I once heard it *hinted* down to the lowest degree of degradation ; and I should be glad to hear how Anna Maria had managed to hint it up again."

"My dear Lady Willersdale," said her mother, with earnest solemnity, "let me beg of you to make this the great rule of your conduct in your association with the world—that every woman who lives under her husband's protection, has a right to be considered a woman of character. It was the regulation established by the late Queen Charlotte—the purity of whose court was proverbial. Your husband's mother was a lady-in-waiting ; ask *him*, and he will tell you that no interest or influence could ever persuade her Majesty to receive a *divorcée*, or a natural daughter ; but no objection was ever made to the appearance at court of a woman living with her husband, let her conduct be what it might."

"How important it must have been in those days to secure an alliance with a man of a mean spirit, or unobservant mind ! How necessary to add hypocrisy to one's other vices"——

"You must surely have read that hypocrisy is '*un hommage que le vice rend à la vertu*' ?"

"A very despicable tribute."

"Perhaps so, but not the less vital to the interests of society. Now, there is your sister Lilfield. I do not know a woman more strict in her own conduct, or more scrupulous respecting female character in general ; but she has had a difficult part—a very difficult part, to play among her neighbours at Beech Park. You remember that pretty place on the hill, about a mile from Durham,—a white house with an avenue, and fine conservatories, and every thing respectable about it ?—Well, who do you think took it last year ?—Why, that unhappy daughter of our Kentish neighbour, Mrs Worsley, who ran away from her husband"——

"With a cousin, to whom she had been engaged from her infancy, and during whose absence in the Peninsula she was compelled to marry old Admiral Vyse ?—Yes ; I remember it all : she was divorced."

"And is now married to her seducer. They live entirely in the country, and as I understand in the most quiet and respectable manner. She has a village school, which I am told equals the one at Beech Park ; but I never say so before Anna Maria, for you know it is her weak point. Well, my dear, when these people settled themselves in Durham, poor Mrs Worsley over-persuaded me to write to Lady Lilfield, and remind her, that her daughter had once been her playfellow ; and that her humility and penitence almost equalled her former offences ; in short, that any notice conferred upon her from Beech Park would be a serious obligation to the whole family, and a Christian mercy to the unhappy creature."

"Poor Mrs Worsley ! her pride must have been bitterly rebuked by writing such a letter."

"And your sister really showed so much character—so much nerve—for hers was a very trying predicament. She wrote me in answer—and it was a very sensible, well-worded letter,—just such a one as I could show the Worsleys—she wrote me that she had always held the example of her late Majesty a mirror of domestic virtue ; and that as Queen Charlotte had made it her rule to discourage vice by receiving no *divorcée* at her court, she felt herself under the necessity of declining Mrs Meynell's

sits at Beech Park! Now that is what I call character—presence of mind.”

We will append to this conversation the following sketch of my daughter Lilfield:—

‘Lady Lilfield was a thoroughly worldly woman,—a worthy scion of the Mordaunt stock. She had professedly accepted the hand of Sir Robert, because a connexion with him was the best that happened to present itself in the first year of her *début*,—the “best match” to be had at a season’s warning! She knew that she had been brought out with the view to dancing at a certain number of balls, refusing a certain number of good offers, and accepting a better one, somewhere between the months of January and June; and she regarded it as a propitious dispensation of Providence to her parents and to herself, that the comparative proved a superlative—even a high sheriff of the county, a baronet of respectable date, with ten thousand a-year! She felt that her duty towards *herself* necessitated an immediate acceptance of the dullest “good sort of man” extant throughout the three kingdoms; and the whole routine of her after life was regulated by the same rigid code of moral selfishness. She was penetrated with a most exact sense of what was due to her position in the world; but she was equally precise in her appreciation of all that, in her turn, she owed to society; nor from her youth upwards,

Content to dwell in decencies for ever,

had she been detected in the slightest infraction of these minor social duties. She knew with the utmost accuracy of domestic arithmetic—to the fraction of a course or an *entrée*—the number of dinners which Beech Park was indebted to its neighbourhood—the complement of laundry-maids indispensable to the maintenance of its county dignity—the aggregate of pines by which it must retain its horticultural precedence. She had never retarded by a day or an hour the arrival of the family coach in Grosvenor-square, at the exact moment creditable to Sir Robert’s senatorial punctuality; nor procrastinated by half a second the simultaneous bobs of her ostentatious Sunday-school, as she sailed majestically along the aisle towards her tall, stately, pharisaical, squirearchical pew. True to the execution of her tasks—and her whole life was but one laborious task—true and exact as the great bell of the Beech Park turret-clock, she was enchanted with the monotonous music of her own cold, iron tongue;—proclaiming herself the best of wives and mothers, because Sir Robert’s rent-roll could afford to command the services of a first-rate steward, and butler, and housekeeper, and thus ensure a well-ordered household; and because her seven substantial children were duly drilled through a daily portion of rice-pudding and spelling-book, and an annual distribution of mumps and measles! All went well at Beech Park; for Lady Lilfield was “the excellent wife” of “a good sort of man!”

‘So bright an example of domestic merit—and what country neighbourhood cannot boast of its duplicate?—was naturally superior to seeking its pleasures in the vapid and varying novelties of modern fashion. The habits of Beech Park still affected the dignified and primeval purity of the departed century. Lady Lilfield remained true to her annual eight

rural months of the county of Durham ; against whose claims *Kew Town* pleaded, and *Spa* and *Baden* bubbled, in vain. During her personal seclusion, by a careful distribution of her stores of gossiping, she contrived to prose, in undetected tautology, to successive detachments of an extensive neighbourhood, concerning her London importance—her address—her dinner parties—and her refusal to visit the Duchess of — while, during the reign of her London importance, she made it equal her duty to bore her select visiting list with the history of the *new Beech Park school-house*—of the *Beech Park double dahlias*—and of the *Beech Park privilege of uniting*, in an aristocratic dinner party, the abhorrent heads of the rival political factions—the *Bianchi e Neri*—the houses of *Montague* and *Capulet* of the *County Palatine of Durham*. By such minute sections of the wide chapter of colloquial boredom, *Lady Lilfield* acquired the character of being a very charming woman, throughout her respectable clan of dinner-giving baronets and their wives ; but the reputation of a very miracle of prosiness, among those

Men of the world, who know the world like men.

She was but a weed in the nobler field of society.'

Sir Herbert Gray, the husband of another daughter of *Lady Mordaunt*, is thus described :—

' *Sir Herbert Gray*, the son-in-law whose progeny had been recently increased under *Lady Mordaunt's* auspices, was his school-fellow, college-fellow, and tory-fellow. He was a dense dull man ; whose upright intentions and sobriety of conduct always rendered him a creditable object of enquiry. His friends were never apprehensive of being shocked by allusions to his "ill-timed vivacity at a recent county dinner,"—by his tenacity about his preserves—his severity with his tenants—his committal of a juvenile offender for paring a turnip in a field—or an undue exertion of his might and right as a commissioner of the roads. He was free from all the seven deadly sins of his calling as a magistrate and a country baronet being a well-meaning, inactive man, by no means addicted to inflict the martyrdom of *Burn's Justice* upon the vagrancy and old-womanhood of his county. Aware how amply its peaceful parochial districts are legislated by those cherubim with flaming swords,—the magnanimous and magnanimous unpaid magistracy of the realm,—he restricted his public exertions to the cultivation of short-tailed sheep and long-horned cattle.'

Upon the tendency of the three foregoing extracts we have a few remarks to make. We think the authoress is a little too prone to direct the shafts of her wit against 'good sort of people.' That there may be many tempting butts among them we are willing to allow ; but there is little credit to be gained by hitting such easy marks, and certainly no advantage to the community at large. We do not admire the connexion (as in the last extract) of 'upright intentions' with denseness and dulness. They may be often found together ; but we cannot commend the writer who, by the slightest innuendo, renders up-

rightness contemptible. We see no useful end that can be gained by associating the unimpeachable discharge of domestic duties, with so much that is unamiable and ridiculous in the character of Lady Lilfield. There is nothing in the example of such persons so dangerously attractive as to require the antidote of such a vehement current of ridicule as Mrs Gore has directed against them. We cannot see the laudable purpose of sneeringly remarking, that 'so bright an example of domestic merit—and what country neighbourhood cannot boast of its duplicate?'—was naturally superior to seeking its pleasures in the vapid and varying novelties of modern fashion.' Mrs Gore, we dare say, does not mean to affirm that matronly waltzing is more to be admired than matronly attention to the 'seven substantial children,' or that it is better to give a ball than to establish a school; but she is bound to take care that others do not draw these inferences from her expressions. We know many who combine the most unimpeachable discharge of domestic duties with a reasonable participation of the pleasures of society; but why are these different pursuits to be thus placed in opposition, only that the palm may be awarded to the least useful and the most alluring, and denied to that which is most truly praiseworthy? It matters not that Mrs Gore has never done this in direct terms: she has done it in a manner which is more efficacious; she has done it *indirectly*. Her readers will not be slow to observe that she frequently exalts the character of those whose chief pursuit is pleasure, while she lowers those whose time is more usefully employed. We are assured of the excellent heart of a flighty semi-Frenchified coquette, who spoils her child, and ridicules her husband; and we are presented with a very unattractive compound of meanness and unamiableness in the 'excellent wife' of 'a good sort of man.' We are far from intending to charge Mrs Gore with a wish to do any thing but good; and can believe that she may not have been aware of the tendency which we have pointed out; but, perceiving as we do that tendency, we have felt bound to notice it with reprobation. Mrs Gore's design is to strip off the moral mask of hollow worldliness: she wishes only to unmask hypocrisy. It is a truly desirable object; but there is none which it is more difficult to execute, none which requires a more skilful and cautious hand. Of the many blows which have been aimed at hypocrisy, there are few that have not missed the vice, and only wounded the virtue the semblance of which it endeavoured to assume. It is therefore a task not to be undertaken lightly, and without a careful survey of the various bearings of the subject, and the inferences which others may draw from our expressions. With

respect to the propriety of receiving women of tainted reputation which forms the subject of the conversation, we have almost no words to say. The hollow prudery of Lady Mordant is without doubt, admirably exposed; but why at the same time not to be presented with a touching picture of the possible basis of a general rule which no sensible person will deny to be true. The refusal to visit an interesting *divorcée* is pointedly contrasted with the willingness to associate with a profligate woman who still lives under the protection of her husband. It is right to lash the meanness which would shelter itself in fancied propriety under the sanction of a general rule; but let us be careful not to do so as if the rule itself were wrong. A husband may be tame or unobservant, but he is still the acknowledged guardian of his wife's honour. Society is not to play the inquisitor into the delinquencies of private life; and, in the absence of complicity from the party most aggrieved, is bound to act upon that most principle of English law, that all shall be deemed innocent who are not proved to be guilty.

One of the best parts of this novel is the history of the Forsyths, a rich mercantile family, labouring to emerge from obscurity into fashion. The picture of their slow and painful progress towards the upper regions of society is marked by most clever and accurate delineation. There is a good deal of truth in the following remarks:—

‘It is not from that high class, in which they sacrifice so much and so basely to place themselves, that persons of the Forsyth caste are buffeted by the whips and scorns forming the balance of their success. A woman of Lady C.’s rank in life has nothing to fear from their advance, nor to envy in their triumph; her own immeasurable elevation above the head withdraws her attention from their pigmy movements; and she considers them only in the point of view which renders them useful or agreeable to herself; or, if conscious of their rise in society, she does not deign to applaud an event in which she has been partly instrumental. The nobler brutes of the field disdain to trample on a crawler of the class and reptiles only prey upon their fellow reptiles.

‘This fact became painfully evident to the Forsyth family in the course of the autumnal fortnight they were destined to pass in Harley Street. During the temporary cession of Iwer Lodge to the bride and bridegroom, Gratulatory letters, setting forth the tenderest sympathy in the event, flowed in from all their Lady Sophias, and Honourable Georginas;—the Buckinghamshire grandees were unexceptionably cordial in their best civilities to Mr and Mrs Montagu; but from the united forces of Brown Whites, Greens, Jenkinsons, and Tomkinsons, there arose an insupportable murmur, rivalling the discontented clamours of Coriolanus’s mob.’

Then follows an amusing scene, in which the Forsyths are subjected to the caustic impertinence of a neglected relative.

latter class, whose bitter tongue had obtained for her 'the characteristic *sobriquet* of Lady Mungo Malagrowth.'—

It is not to be imagined that a little shrew of this calibre could pass over the impertinent elevation of the Forsyths, or their irrelative neglect of her claims upon their attention; and having been invited by her husband to a Sunday dinner in Harley Street, during the dull night succeeding their Mordaunt splendours, she entered the drawing-room, charged with venom to the very tip of her tongue. Her husband's face, who occasionally found himself constrained to check her flippancy by public admonitions, and the grave brow of her uncle Forsyth, her in tolerable order during dinner; but when the ladies retired to gossiping, and she saw that nobody but the curate's wife in a dyed gown was invited to meet her, she took her seat in the fireside circle, a screen in her hand and a scourge between her lips.

"How very much improved dear Charlotte is in looks by her residence at Weymouth!" said she, addressing her aunt. "We must take care she does not acquire too much *embonpoint* to do credit to the *ingénuités* of the C. House theatricals." Poor Charlotte, who was naturally thin, and had been galloped to a skeleton during the London season, bit her lip with indignation.

"And our little Lucy, my dear aunt! Any other complexion would have suffered from all those rides, and all that barouche-boxing, which were duly announced among the fashionable movements in the *Dorsetshire Telegraph*; but really Lucy has been tanned into fairness."

Lucy Forsyth blushed deeper than her pink *gros de nuples* dress, at insinuation provoked by her somewhat pronounced *teint de brunette*.

Mrs Forsyth, however, smiled good-naturedly at something that sounded like a compliment to her daughters:—she was at all times very suspicious, and at present very dozy.

"It is a great comfort to see that the Forsyth family is not to forfeit once its reputation for beauty. I understand Jem's wife is not likely to prove a dangerous rival;—ophthalmic I am told—with red hair; and the gait of an emu! Well! one must not expect to monopolize everything;—Jem has bought his way collaterally into the Baronetage, which is highly gratifying to us all; we had no right to look for sense or beauty."

"Jane is a very pleasing young woman," said her aunt mildly.

"Mrs Montagu Forsyth is very amiable and very well bred," added Lucy with spirit,—“qualifications I hope we know how to value.”

"You really delight me,—I had heard so different an account, and from so many different people. My friend Mrs Richard Green, of Gower Street—I fear I shock you, my dear cousins, by mentioning such a person and such a place,—but I fancy poor Mrs Green formerly took the liberty of being Lucy's god-mother,—has a governess who lived till last year with the Mordaunts; and she assures me that Jane Mordaunt always went by the name of 'poor Jane,' or 'la petite niaise,' among them;—a poor nervous silly creature, she said, who was so idiotic that she never could be made to understand that cucumbers did not grow in slices."

"I have formerly heard you affix that witticism, Nancy, upon other shoulders," said Charlotte Forsyth, coldly.

"The Mordaunts I find are very showy people;—belong to the 'va family of the Surfaces.' A fine old service of plate, daily insulted by a *réchauffé* of a dinner—bad the first day, and horrible in repetition;—and a levy of flaunting liveries at the sideboard, hung upon stable-boys and plough-boys, who dip their *aiguillettes* into your soup, and hiss while they are rubbing down a plate."

"Our party at Mordaunt was so pleasant that we had little leisure to enter into the details of the servants' hall—besides we were satisfied, that if there were any ill-natured observations to be made, we should hear them from you, Nancy, on our return."

"Me! my dear Chatty!—Pray do not imagine that I presume to know, or guess, or dream, what things are done or said among such grandiosities as *la famille Mordaunt*. Oh no, my dear!—I belong to a vile, vulgar, obsolete school of people, who are content to eat their own unsophisticated roast mutton, and to associate with those of their own rank and condition. We are so unfortunate as to know nothing of your Lady C.'s, or Sir William de Hautevilles, and so tasteless as to care as little; a want of ambition which preserves us from all those rubs and mortifications that pride is heir to. Your Lady Julianas, would as soon think of putting up their impertinent *lorgnettes* at us, as at the flies, and gnats, and worms, with whom they obligingly class such obscurities as you and I;—every calamity, you know, has its *beau côté*."

"By the way, mamma," said Charlotte, somewhat injudiciously, "my brother and sister dine to-morrow at C. Priory;—I hope Jane will not fatigue herself.—She is enchanted with Lady Juliana."

"Poor thing!" exclaimed Mrs Willis Clinton, who had been taking a moment's breath; "it must be so flattering to her to find herself spoken to, and noticed, like other people;—she used to run about at home like a hunted hare. At the time of her sister Lady Willersdale's marriage, who ran away afterwards, you know,—six weeks afterwards,—with Colonel Seymour of the Guards, they locked up 'poor Jane' in the school-room that she might not commit suicide with the wedding-cake."

It is allowed that the work of a female pen cannot claim from the reviewer that deferential civility to which the authoress is always personally entitled; and we have accordingly censured freely and unsparingly whatever seemed objectionable in the style and tendency of this novel. Had we observed any other faults, we would have noticed them also. Our objections have been few; not because we wished to be indulgent, but because we saw little to which it was necessary to object. We therefore hope that, in spite of our censures, it will be collected from the tenor of our remarks, that we have on the whole been much pleased with this production, and consider it as an agreeable addition to the light and amusing literature of the day.

ART. VII.—*The First Book of the Iliad; the Parting of Hector and Andromache; and the Shield of Achilles: Specimens of a New Version of Homer.* By WILLIAM SOTHEY. 8vo. London: 1830.

HOMER has never yet been translated into English. On the merit of the two latest and principal attempts, by Pope and Cowper, there can be no great diversity of opinion. Scarcely a article of breath divine inspires the blank and frigid version of the latter. He is more correct than Pope in giving the mere sense of the original, but to its tone and spirit he is, in a different manner, equally unfaithful. By throwing off the so called fetters of rhyme, he seems to have gained only an accession of awkwardness and inability to move; and in the act itself there was a fatal error. It is all that the charm of rhyme can do, to supply the want of that mellifluous harmony, which fascinates even schoolboy ears, in the unwearied and unwearying flow of the most magnificent, but alas! the most *un-English*, hexameter. Had Cowper, in abandoning rhyme, acquired somewhat of the epic copiousness and freedom of expression, it would still have been hard to forgive his transgressions against harmony; for ‘of all the miserable versification in blank verse,’ says the gentle Wakefield, speaking not unjustly of this performance, ‘that is the most miserable I have yet seen:—I remember the beginning of Odyssey X. to be the most calamitous specimen of want of ear that ever came under my notice.’

Pope's Homer, on the other hand, is by that title perfectly described. It is certainly not Homer's Homer. We read it, in boyhood, for the adventures and the resounding strain; we return to it, in maturity, as a treasure of glowing thought and gorgeous diction: but no one must look there for a true image of the bard of Troy. Not to mention the numerous and puerile mistakes of meaning, the whole tendency and texture of the composition are essentially un-Homeric. What a perpetual effort to discover in the ancient poet prettinesses which did not, and could not, exist in his poetry! It is the perverted labour of a refined and ingenious mind, taking Homer for one of its own class. The errors of Pope's version result not so much from a shallow taste, or from deficient power, as partly from want of scholarship, and still more from a bent of genius at total variance with that of the old epic minstrels. Though immensely superior to most of the Alexandrian writers, Pope was, perhaps unconsciously, of the Alexandrian school. A literal re-translation of his Homer into Greek would not be the least like the *Iliad*, but it would fre-

quently resemble the *Hero and Leander* of the pseudo-Musæus. Of all the British poets, the two most Homeric in *spirit*, however different in *style*, both from the Grecian bard and from each other, are Shakspeare and Scott; but Chaucer, behind all three in *fancy* and invention, comes nearest to Homer in manner and expression. *He* might have given an English Homer, in which the few, who would in the present day have read it, would have recognised the character and bearing of the great original.

In delivering his rule for a narrator, Chaucer has at least prescribed a law equally incumbent upon all who aspire to translate the Homeric poems:—

‘ Whoso shall telle a tale after a man,
He mooste reherse as neigh as ever he can,
Everich word, if it be in his charge,
All speke he never so rudely and so large.’*

For, according to the just observation of Wieland, quoted with applause by Schlegel, † ‘ the first great law for the interpretation of Homer is *truth*.’ The poetry of Homer is not to be regarded merely as the overflowing of an exuberant fancy; nor is the personal genius of the author alone to be admired in the *Iliad* and *Odyssey*. He is, to us at least, the representative of his Age; and those, whose imaginations clothe him in a foreign garb, falsify not an individual, but an universal, character. Hence, he who would comprehend Homer, must begin by attempting to understand the heroic age. But to do this aright, requires more knowledge and labour than the majority even of scholars are inclined to bestow. The very facility of attaining a superficial acquaintance with his meaning, prevents them from searching more profoundly, and prying with the necessary closeness, into the whole depth and power of his descriptions and expression. From this cause it arises that some peruse his works with little real satisfaction, or look back upon their previous knowledge of them, as upon a vague and monotonous picture of coarse manners, delineated in a style, of which the simplicity approaches to rudeness,—so that we have not been startled at hearing a very elegant, if not a learned, critic assert, that he would rather have been the author of a popular modern novel than of the *Iliad*.

The custom, too, of making Homer a *school-book*, though a de-

* Prologue to the *Canterbury Tales*.

† In his review of Voss's translation. With many of the views of this eminent critic, the text will show that we cordially agree; and he will likewise supply us with a few examples from the German version, which may serve to strengthen, or to illustrate, our remarks upon the English translations.

sive mark of the highest reputation, is, like the fashion of turning the effigies of heroes into sign-posts, not particularly favourable to the subject of the compliment. From a very youthful student it is absurd to expect that degree of historical, of philologic, and of philological attainment, which the exact interpretation of Homer would demand. His poetry, one of the best of all subjects for academic prelection, is thus essentially unfit for mere elementary instructions. Even the structure of his language, and the relation in which it stands to the other forms of the Greek tongue, produce this unfitness.* A loose and inaccurate conception of this dialect, as well as of the heroic age and manners, once formed, is most hard to be removed or rectified. We have heard the great Hermann, the first Grecian of the present day, declare, that he long felt the mischievous results of having commenced his classical studies with Homer. At a riper age, however, returning to the Tale of Troy, at that sacred fountain he drank fire—there he imbibed that imaginative ardour, which, combined with indefatigable industry, has made him the prince of living commentators,—one, in whose explanations of the ancient poets we know not which quality to admire the most—his erudition or his genius.

The latter part of Hermann's example is to be imitated by those who would know Homer as he is; though, after every effort, we must sometimes remain doubtful of the full attainment of this knowledge. The grammatical portion of the interpretation, arduous as it occasionally is, constitutes the least difficulty. But, by the double relation of his words, outwardly to objects of which we have, in many instances, no absolute conception, and inwardly to a circle of ideas, and a mode of viewing things, widely distant from our own, we are exposed to manifold self-

* The Greek grammar of Frederick Thiersch, of which a translation by Professor Sandford, with the addition of his own comments, has recently been published, will at once evince the propriety of studying the Homeric language more critically than is commonly attempted, and supply the best aid for doing so. For acquiring a competent knowledge of the heroic times, we would earnestly recommend that portion of Heeren's *Political History of Greece*, which relates to this topic. Considerable assistance may be derived, likewise, from an excellent little work by Mr Henry Coleridge, entitled 'Introductions to the Study of the Greek Classic Poets.' Of the last mentioned author we may say, without assenting to all his views, that his acuteness, vivacity, and elegance, are worthy of high commendation. His work, however, as the title declares, is merely *introductory*. A complete and critical history of Greek Poetry is still a desideratum, and one which we hope that the taste and learning of our own day, and our own country, may supply.

delusions. How easily, for example, do we transfer somewhat of our later philosophic refinement to a language wanting in definite expressions of mental phenomena—a language that defines and compounds chiefly according to physical perceptions! The medium of speech is always to a certain extent deceitful, since, in the progress of human culture, the thing signified often undergoes great changes, while the sign continues the same. Hence how many there are, who, according to Locke's observation, 'when they would think on *things*, fix their thoughts only 'upon *words*;' and, if they cannot even precisely understand those words, what do they resemble but that prince of Gentoo philosophers, who sat for forty years, with his eyes fixed upon a wall, thinking upon—*nothing*! But upon the fullest and most just sense of words and propositions, as the *understanding* receives them, the impression which a poetical description should make, does not entirely depend. Partly through the living breath of elocution and of melody, and still more through the thousand shades of indication, superinduced by custom and convention to the positive meaning of words and phrases—and of so subtle an essence that they evaporate in the process of transference—poetry, and especially the poetry of nature, which precedes the *fine art*, properly so called, appeals to the whole sensibilities of man. Now, it is only in a vernacular tongue that the hearer can at once and perfectly comprehend this appeal. In a foreign, and sometimes even in a dead tongue, we can achieve a partial comprehension of it by comparing the different uses of the tongue in common life, in familiar and in elevated prose, and in the various kinds of poetry. But for Homer we have not the elements of such a comparison; since his poetry, with the single exception of Hesiod's, stands alone in the age that gave it birth. We are much in the dark as to the real nature of the speech of common life at the time, and in the region where this poetry arose: there was then no written prose, and, as far as we can determine, only one kind of poetry. We may conjecture, indeed, with Schlegel and Payne Knight, that the speech of the Muses, or of their poetic representatives, was not very different from that of ordinary mortals—just as the mythic world, the source of poetry, then lay very near the real,—and so far may enter into the general tenor of its meaning; but in single words or phrases it is too often difficult to say how much is ornament, and how much sheer necessity—what is the soaring flight of fancy, and what the bare expression of truth.

From our imperfect knowledge, in many respects, of the arts and outward circumstances of the heroic age, it is difficult for a translator of Homer to choose proper terms for a number of ex-

ernal objects—for the implements of agriculture, manufacture, war, cookery—for human inventions and institutions. And a mistaken fastidiousness greatly increases the difficulty. The word *σκήπτρον*, for example, is not faithfully represented by 'sceptre;' the word which Mr Sotheby, (except, indeed, in rendering Σ. v. 557., where the absurdity of that term would be glaring,) after Pope, has employed. This is a term which raises ideas of state and splendour, 'the attribute of awe and majesty;' but the *σκήπτρον*, despite its 'golden studs,' was nothing but a *staff*—an emblem of sovereignty indeed, but not for mere ostentation—showing 'the force of temporal power' by being laid with right good-will upon the backs of the subjects: *σὺ δὲ δ' αἰματόεσσα μεταφρένου ἐξυπάνιστη*. On the other hand, as Schlegel has observed, we should sometimes err by adopting too homely an expression. Thus 'palace' is by no means too pompous for *αἶκος*, when applied to the habitation of monarchs. The discoveries of modern travellers have made it manifest that kings' houses were really *palaces* even in those distant times. Still stand the walls of Tiryns, which supplied Homer with an epithet, and are praised by Pausanias as a wonder of antiquity,—and the ruins of Argos and Mycenæ. The treasury of Atreus, once erroneously taken for a place of interment, is nearly uninjured; and the prince, who built such a receptacle for his wealth, must have had a dwelling in proportion. According to Dodwell, the treasury of Orchomenos, of which the remains, though slender, are sufficient to show the plan, was built of *marble*, which must have been brought thither from a distance. Hence *ξισταῖο λίθοιο*, in the account of Priam's residence, may be rendered, 'polished marble.' But the fault of misplaced grandiloquence is far more common than that of too humble translation. The word *ταμὴν* has been the cause of much uneasiness to Pope. At one time he sinks it in the loose expression of 'attendant train;' at another, the *γυνὴ ταμὴν* of the *Odyssey* is converted, at the expense of a false quantity, into 'the wise Euryclea.' Voss, in his German version, has properly admitted *Schaffnerin*, 'she-steward,' which, simple as it is, conveys the true force of the original. Mr Sotheby hardly satisfies us by converting Hector's *ὄτρηρὴν ταμὴν* into 'the guardian of his house.'

It is a curious fact that the desire to embellish, here alluded to, and the want of rigid accuracy, have injured some of the finest *illustrations*, as well as most of the versions, of the Homeric poems. The designs of Flaxman, which do great credit to British art, are at the same time not uniformly faithful to the scenes from Homer, which they are meant to pourtray. Out of thirty-nine compositions from the *Iliad*, twelve are faulty in this respect,—that is, they have some error of attitude, costume, expression,

or grouping, resulting solely from a neglect of the original text. In these instances Flaxman has illustrated Pope, but has not illustrated Homer.

Again, even were it easier than it is to forget the discoveries and improvements, so familiar to us, which were in Homer's time still unknown, it would nevertheless be difficult to find exact terms for those with which he was actually acquainted. Thus what, says Schlegel, are we to do with the *θέμωτες* of the poet? These are not the express edicts of authority, but only such things as are determined by custom and by reason—of which the 177th line of the 19th Iliad will furnish a very decided, though a ludicrous proof—yet if not by 'laws,' or 'law,' as Pope, Cowper, and Mr Sotheby, have rendered it, how is the word to be rendered? Many similar difficulties in the case of single words might be adduced. The *φόρμιγξ* or *κίθαρις* (for we side with those who consider the two to be identical) of Homer, if its construction be rightly described in the hymn to Mercury, was something very different from a modern harp or lyre, and yet *harp* and *lyre* are the words which we must use in translation.

But to still greater embarrassment is the translator reduced by those Homeric expressions, which refer to the province of *manners*. The plain expressions of sound, but crude simplicity, not yet moulded by conventional rules, although susceptible of the highest improvement, are essentially distinct from fast-rooted barbarism, and the coarseness of manners which pertains to that condition; yet when we would transplant such expressions, unmitigated, into a refined language, over which politeness has already extended its despotic sway, we expose them to be easily mistaken for barbarism. In this respect, almost every translator has refined too much. Thus even Voss will not permit Achilles, in Iliad A. 159, to call Agamemnon *dog-faced* (*κυνῶπα*), but merely *schandbarer*: 'ungrateful' is the version of Pope; Cowper's 'shameless wolf' and 'face of flint' are only approximations; and why does Mr Sotheby content himself with 'vile wretch,' as equivalent to *κυνῶπα*, while he renders *κυνὸς ὄμματ' ἔχων, κραδίη δ' ἐλάφοιο* so much more plainly, 'dog in eye, but hind in heart'—a characteristic passage, foolishly rejected by Zenodotus after the prudish condemnation of Plato. In the same way, although Helen, the honest judge of her own demerits, twice calls herself 'she-dog' in one speech, Il. Z. 344, 356, Voss has not the heart to make her worse than 'schnöde,' *vile*, and 'schändlich,' *scandalous*: Cowper gives us 'hateful' and 'worthless;' and we quite lose the Greek in Pope's

— 'if the guilty dame

That caused these woes, deserve a sister's name,'

and

'The Gods have link'd our miserable doom,
Our present woe, and infamy to come.'

The downright *θειομένην* of Vulcan's expostulation with Juno, Il. . 588, wherein he alludes, without any ambiguity, to blows which *Ζεύς* may inflict upon his consort, however disgusting to 'lato, should not have been softened by Voss into 'wann er dich straft,' when he punishes thee : Cowper dilutes it into 'I see thy punishment;' even Mr Sotheby into 'lest I behold thee shamed;' but, strange to say, Pope is somewhat more significant :—

—— 'if Jove *his arm extend*,
I can but grieve, unable to defend.'

To be sure, this treatment does seem too humiliating for the *βοῶπις πότνια Ἥρη*, if we are to translate that phrase, with Voss, die hoheit-blickende, the *grandeur-glancing*, or with Pope,

—— 'the goddess of the skies

Roll'd the large orbs of her majestic eyes,'—

Although the latter is really more faithful than usual in thus rendering *βοῶπις*. Mr Sotheby blinks this epithet altogether, and gives 'awful' for *πότνια*. But, after all, is *ox-eyed* too rude? The Arabian poet, in like manner, compares the eyes of his mistress to those of a four-footed beast. The German compound *hoheit-blickende* is very sonorous; but it says more than the two words for which it stands. For even a slave is called *βοῶπις* in Iliad Γ. 144, where the 'herschendes blickes,' *lordly-eyed*, of Voss, is absurd, the 'Clymene the fair' of Cowper is vague, and the simple 'Clymene' of Pope is inadequate; and, as to *πότνια*, Homer is not niggardly in the use of it—nor is there any reason that he should be, if Schlegel be correct in his explanation of that word. *Πότνια* appears to be properly a substantive. The title of Diana, *πότνια θηρῶν*, and the fact that it appears only in the feminine, and generally as an adjunct of feminine proper names, seem to intimate as much. Perhaps, then, it is merely the feminine form of *πόσις*, formerly *πότις*, (*σ* having so frequently, in Homeric and Ionic, displaced an original *τ*): *πόσις*, 'husband,' or 'master,' (compare the Latin *potis*,) *πότνια*, 'wife,' or 'mistress of the house.' The truth of this supposition is almost demonstrated by parallel words in the Sanscrit, in which *Patis* signifies 'master,' 'husband,' and *Patnī*, 'wife.' In the language of Homer, *πότνια* is never the title of *unmarried ladies*; it is given, indeed, to maiden *goddesses*, but seemingly only by a license of courtesy; just as the brevet rank of *Mistress* is assumed, among ourselves, by respectable females, whose years forbid the hope of obtaining it in a regular manner.

The fear of tautological expression is another well-known

stacle with which the translator of Homer has to struggle. The best way is at once to recognise the existence of a bold and bare pleonasm, well suited to the age both of the poet and of his heroes, and to render it faithfully and freely. Schlegel cites the strong example of *θιλιότεραι γυναῖκες*, frequently recurring, and which is really quite as tautological as the famous *νεκῶν κατακτείνονται*, which Homer 'thrice slew the slain.' Here and there, as for instance in *Odyss. O. 421*, where Pope's version runs, 'for he deceives the best of womankind,' it may do to translate the phrase by 'weak' or 'tender women;' but how would this serve for the *ψυχᾶς γυναικῶν θιλιωτέρων* in *Odyss. Λ. 384*, where *tenderness of corporeal frame* is, of course, as much out of the question, as *mental refinement* or *imbecility* are foreign, both in thought and expression, to Homer? We must consent, in such a case, either to merge the epithet altogether in translation, or to take 'female women,' without regarding the ludicrous sound which it has in our ears—justified, as it happens to be, by the authority of some of Europe's sweetest minstrels: for 'weibliche Frauen,' which is just 'female women,' was a common salutation from the Minnesingers to the subjects of their lays, and appears in many of their most passionate productions. Another very frequent pleonasm is found in the verses which conclude with *κατὰ φρεσιν κατὰ θυμόν*. Such superfluity not only suits the infancy of the ancient world, but, in the description of what goes on in the soul, is admirably appropriate: since the ancients thought that, with regard to these matters, they could not make expression too emphatic. He whom it offends to hear 'in the breast and heart,' 'in the mind and breast,' 'in the soul and mind,' is not yet in a condition to enjoy Homer.

Nowhere, as has been well observed, do we see more clearly how close Homer, or rather his age, kept to the perceptions of sense, than in his puerile notions of the human soul. The philosophic parable which describes the soul, in individuals, as gradually rising, with the progress of years, from the foot to the head, may be applied to whole communities. With those worthy islanders of the South Seas, who call thoughts 'words in the belly,' she is still low down. In Homer, likewise, we cannot trace her as yet established in the head; with him, her proper habitation is the breast. Moreover, the limits of the different powers of the soul are perpetually violated; the operations of the understanding are equally ascribed to the will; and this again is confounded with the animal life,—so tangible a thing, that it is torn out together with the spear, from a wound in the breast. In the interpretation of such passages, it is very difficult to banish our notions of spirituality; yet it is not impossi-

since with us also corporeal representations of invisible forces are not extinct in common language. Even in this respect, however, some distinctions must be drawn. Thus, though 'heart,' corporeally understood, is used by Homer for the whole inward man, we must not identify this conception with our own metaphorical use of the term, certainly not with that use of it which prevails, to a sickening extreme, in the language of romance. It is observable, that to beasts likewise, the poet ascribes the same sort of θυμός as to men—one proof of that close relationship, in which those of the heroic age lived on the one hand with animal natures, as they were supposed to be on the other with divine—and yet it has a comical emphasis of talk, as Voss does, of the 'Geist,' *spirit*, of the two lambs in the third Iliad, θυμοῦ δεινομένους: Pope's '*vital spirit*' is improved by the epithet; but Cowper's '*ebbing life* forsook them soon,' is the best version of the phrase. Voss has used *Geist* again, here the effect of drawing the lance from the wounded Sarpedon's thigh is described in the fifth Iliad—τὸν δ' ἔλπει ψυχὴ—Cowper gives '*lifeless languor*'—Pope,

'The fainting *soul* stood ready wing'd for flight,
And o'er his eyeballs swam the shades of night;—

but *spirit*, *soul*, and even *life*, are too strong for ψυχή, which means, in this passage, nothing more than *breath*. On this topic it is curious to observe how Homer has helped himself out, when he has to speak of the *imagination*. Φαντασία is no word of his vocabulary; yet the faculty of calling up in the mind the images of absent things, was, of course, no stranger to his experience, and by a most picturesque and faithful expression he describes it: ὁσομένος πατέρ' ἑσθλὸν ἐνὶ φρεσίν.

As to the use of *epithets* by Homer—a subject of much discussion—we consider Schlegel right in condemning both those who conceive them to be merely *titulary*, and one of his countrymen, who asserts that Homer would gain, for the modern reader, by rejecting them, or by substituting other adjuncts in their room. Modern taste must not be flattered by such a departure from the truth of the original; and the reader, who would find Homer benefited by the change, is not yet fit to feel his poetry. To the character of this poetry the epithets *essentially* belong. How well do they harmonize with that fond and friendly view of things, which inspires our own minds in the perusal, and which makes us go along with the poet in attaching some euphonious adjunct to every object, however small and insignificant! It needs no sagacity to discern that the Homeric epithets, in the mouth of a speaker, are often very *undramatic*: but this merely shows that the *truth* of the dialogue was made subordi-

nate to the harmony of the epic tone. Homer is indeed a highly dramatic author. Aristotle traces, in his works, the development of the dramatic principles; and Plato scruples not to call him the Father of Tragedy; yet we must not urge this notion too far in Homeric criticism. Representation by song, to which poetry was originally devoted, and which the poetry of Homer is, did not, however, in his day, as yet attempt any theatrical deception, in the proper sense of the term; and it will not do, therefore, to sacrifice the epithets in translation, merely for the sake of giving a more dramatic spirit to the composition. Nor, on the other hand, are the epithets to be considered as only *titulary*. Even when they do not mark any striking peculiarity—although in that case they have not the emphasis, which would divert the mind from the chief object, nay, by reason of their perpetual recurrence, could not have such emphasis—still, the poetical propriety, which distributed and assigned these epithets, is very different from that conventional mode, to which titles owe their origin: and what has the empty formality of titles in common with that rich and beautiful superfluosness which, in the Homeric epithets, charms the imagination while it delights the ear? There is one license, however, in the interpretation of these adjuncts, that may not unreasonably be allowed:—when the literal version would be hard or inconvenient, we may take a more simple term of like significance. Thus, if ‘well-throned,’ or ‘golden-throned,’ displease for *εὐθρονος*, we may render *εὐθρονον* ‘H^o ‘the golden dawn;’ if ‘beauty-cheek’d’ be too harsh a compound for *καλλιπάρης*, we may admit ‘rosy’ as a substitute—this at least is better than, with Pope and Mr Sotheby, to slur over a descriptive word, in such vague expressions as ‘the matchless,’ ‘the fair,’ or even to amplify it, as the latter has done in his version of Iliad A. 323, 369, into ‘in all the bloom of charms,’ and, ‘robed in her beauty’s bloom.’ We should prefer *rosy* also, for the translation of *ροδοδάκτυλος*, (as Pope, indeed, has done in rendering Il. A. 477,) to ‘rosy-finger’d,’ a compound which has established itself in our tongue, rather, we suspect, than in our imaginations. With the *ἀργυρόπεζα*, which belongs to Thetis in Iliad A. 556, ‘snowy-footed’ would agree better than the more literal ‘silver-footed queen’ of Pope; though it is a capital error of Mr Sotheby to omit entirely an epithet so forcible in the mouth of the *jealous* wife of Jove. In the same way, if ‘crook-ed-counselling’ sound strange for *ἀγκυλομήτης*, there can be no harm in the substitution of ‘close-contriving.’ Only we must not let a picturesque expression be lost in the mere wantonness of change. The Latin translator who renders *κρυθαίολος* by ‘pugnam expedite ciens,’ is as much guilty of positive destruction as Mr Sotheby, who expunges the epithet. But the ‘*plume-*

waving Hector' conjures up a picture of beauty amid the horrors of war. We see the hero of a hundred fights towering mid the thick of battle, his crest the rallying point for his country's warriors, and still the star of safety and of hope to Troy.

The views of Homeric translation, which we have here endeavoured to develop, — and many other kindred principles might be established, had we more space for the subject, — have not been throughout adhered to by any translator of the Homeric poems; incomparably more so, however, in the German than in the English tongue. For the translation of the Greek epic, the Germans have not only the obvious advantage of a hexameter naturalized in their language, and a power of combining words almost unknown to the modern tongues derived from the Latin, and indeed to the Latin itself; but moreover, the admirable writer, already often alluded to, justly claims for his countrymen a promptness and flexibility of mental character, which easily penetrates and adopts the modes of thinking, feeling, and expression, proper to other nations. In many particulars of their diction, the truth of this remark is apparent; and it is thus that they put themselves into the situation of the ancients more readily than other moderns, who almost always look upon antiquity through the spectacles of their own peculiarities. The boast of Klopstock, that, were Homer lost, he might be *re-Grecised* out of the German versions, will not seem altogether hyperbolic to those who are acquainted with them. Shall we ever have grounds for the same vaunt with regard to an English translation?

Mr Sotheby, in his specimens, has at least excelled his English predecessors in some of the qualities most essential to the able execution of his task. Compared with Pope, with whose version these Specimens are most likely to be put in competition, he is vastly superior in terseness and truth. Of his greater closeness to the original, it is no slight proof, that he has contrived to give the 611 verses of the first Iliad in 680 lines; whereas Pope, though sometimes omitting material parts of the Greek, has diluted the rest into 781 lines. This compression, in Mr Sotheby's style, however, is purchased at the expense of many of the Homeric epithets, and occasionally at a sad cost of force or of tenderness. There is great poverty, for instance, in the simple announcement,

' Came with her infant on the nurse's breast,'
for those most expressive lines of the sixth book,

ἄμα δ' ἀμφίπολος κίεν αὐτῇ
Παῖδ' ἐπὶ κόλποις ἔχουσ' ἀταλάφρονα, ῥήποις αὐτῆς.

For the emphatic assurances of Pallas (Il. A. 212,)

Ἵπιδι γὰρ ἔξισι, τὸ δὲ καὶ τεταλειμένον ἴσται·
Καὶ ποτὶ τοὶ τρεῖς τίς ποτε παρίσσεται ἀγλαὰ δῶρα
Ἵβριος ὕψους τῆσδε· σὺ δ' ἴσχω, πύθε δ' ἡμῖν

we are presented with,

‘ Gifts, tenfold gifts, this outrage shall repay :
I, Pallas, speak it ; hearken—and obey.’

The characteristic threat of Achilles, in the same book (Il. A. 800,)

Τῶν δ' ἄλλων ἅ μοι ἔσσι θεῇ παρὰ νηὶ μαλαίῃ,
Τῶν οὐκ ἂν τι φέροις ἂν ἱλὼν αἰκοντος ἑμτο.
Εἰ δ' ἄγε μὲν, πύεσσαι, ἵνα γινώσσι καὶ οἶδα·
Αἴψά τοι αἶμα κελαινὸν ἱερῆσσι περὶ δουρὶ·

loses much of its personality and vigour when rendered,

‘ What treasures yet within my ship remain,
None, from this arm reluctant, none shall gain.
Try, if thou dare, that Greece be taught to fear,
When thy dark blood reeks on Pelides' spear.’

Here and there, too, we are startled by an abruptness in the *narrative*, very dissimilar to that easy and continuous flow which charms in Homer, as it does in the first and best Greek prose of his inimitable imitator, the delicious Herodotus. Yet the following lines, from Il. A. 43, 172, 428, will show well, in different styles, how near the English heroic couplet may be brought, without injuring the sense, to the Homeric hexameter ; the length of the latter consisting so much of those tuneful inflections—‘ in many a bout of linked sweetness long drawn out’—that the brief forms of the English vocables compensate for the narrower limits of the verse :

‘ Thus Chryses pray'd : his pray'r Apollo heard,
And heavenly vengeance kindled at the word.
He, from Olympus' brow, in fury bore
His bow and quiver's death-denouncing store.
The arrows, rattling round his viewless flight,
Clang'd, as the god descended dark as night.
Then Phœbus staid, and from the fleet apart
Launch'd on the host the inevitable dart,
And ever as he wing'd the shaft below,
Dire was the twanging of the silver bow.
Mules and swift dogs first fell, then far around
Man felt the god's immedicable wound.
Corse lay on corse, to fire succeeded fire,
As death unwearied fed the funeral pyre.
Nine days the arrows of destruction flew,
And Phœbus, unassuaged, their numbers slew :

But Peleus' son, the tenth revolving day,
 Summon'd the council where the navy lay.
 So Juno will'd, who mourn'd, untimely slain,
 The Grecians dying on the tainted plain.
 The council met, and, 'mid the public woes,
 First from his seat Achilles stern uprose.'

' Fly—Agamemnon answer'd,—speed thy flight,
 Since such thy wavering mind, avoid my sight.
 I press thee not to stay; on Ilion's plain
 Here, honouring me, the host and Jove remain.
 Hence, thou of monarchs most my hate and scorn,
 Hence, man of blood, for brawls and slaughter born.
 Vaunt not thy might: to thee that might was given:
 Ascribe the glory to the King of heaven.
 Thou, with thy troop, thy vessels, hence, away—
 At Phthia bid thy Myrmidons obey.
 Thy flight I reck not: seek thy native shore:
 Rage, if thou wilt, the more—I scorn thee more.
 Know, since Apollo claims my great reward,
 My bark shall bear the maid, my warriors guard;
 And thus, from forth thy tent, in all her charms,
 I—I will force Briseïs from thy arms;
 So dread my pow'r, and none hereafter dare
 My will oppose, or with their king compare.'

' She spake, and left the Chief, by passion moved,
 Lone and disconsolate for her he loved,
 Forced from his arms. Meantime Ulysses bore
 The hallow'd hecatomb to Chrysa's shore.
 In the deep port, untroubled by the gale,
 They stow'd within the bark the gather'd sail,
 Loosed with its tackle, swiftly lower'd the mast,
 Row'd to the harbour, and their anchors cast.
 Forth came the crew, and pass'd along the main,
 Forth led the victims to Apollo's fane;
 Forth came Chryseïs, whom to Chryses' arms
 The Chief restored in all her virgin charms,
 And o'er the altar spake—From Grecia's king
 To thee, time-honour'd priest, thy child I bring:
 And lo! the hecatomb, the gift of Greece:
 So may thy god's wide-wasting vengeance cease.'

The famous nod of Jupiter is given with considerable energy:—

' He spake, and fully to confirm his vow,
 Bow'd the dark terror of his awful brow,
 Around his front th' ambrosial ringlets flow'd,
 And all Olympus reel'd beneath the god;'

but that wonderful passage was never perfectly translated, except into sculpture, by the chisel of Phidias.

Mr Sotheby has suffered a few Ovidian touches to mar the general fidelity of his adherence to the original. Thus, we object to the additions in the following couplets:—

‘When first to Grecia’s fleet aged Chryses came,
To free his daughter from the *yoke of shame.*’

‘In silence went, till, *wrung from deep despair,*
Burst on Apollo’s ear his votary’s pray’r.’

‘Such was the seer who felt his nation’s woes,
Long’d to relieve, yet trembled to disclose.’

The examples are not glaring, and have nothing in them that approaches the enormities of Pope; but on this subject we are disposed to be even hypercritical. Every such embellishment materially impairs the golden simplicity of Homer. A beauty of Nature’s ‘own sweet and cunning hand’ looks into the juggler’s glass, and is reflected by the languid graces of a fashionable belle.

In like manner, although the present translator is infinitely superior to Pope in giving the right meaning of his author—(there is, indeed, just the difference between good scholarship and the total want of it)—we detect an occasional slip. Having kept, it would seem, to the genuine lection of II. A. 122, Ἀτρεΐδῃ κῦδιστε, φιλοκτεανώτατε πάντων, instead of κέρδιστε, rashly proposed by Bentley, why does he convert the imperial title—for κῦδιστε is nothing more—into a mental attribute?

‘Thou, most—Achilles cried—the chiefs among,
By lust of glory and of avarice stung.’

In Iliad Σ. 501, Ἀμφω δ’ ἴεσθην ἐπὶ ἵστορι πείραρ ἐλεσθαι, he passes over ἐπὶ ἵστορι, the two words in which all the difficulty lies; and, worst of all, he renders the well-known words of Iliad A. 282,

————— αὐτὰρ ἔγχευ
λίσσομαι, Ἀχιλλεΐ μεβίμεν χολος, κ. τ. λ.

according to the exploded error of those, who place the dative Ἀχιλλεΐ under the direct government of λίσσομαι—

————— ‘be Nestor’s care
To soothe the bulwark of our host by pray’r.’

Every sound interpreter, from Eustathius downwards, has considered that Nestor, in these words, is only re-urging his exhortation to peace, with additional vehemence, upon Agamemnon.

Among his specimens, Mr Sotheby has given that miraculous picture—better than a thousand essays on the state of women in the heroic age—of the parting of Hector and Andromache.

He has here to contend with the most successful passage of Pope's version, and though he meritoriously avoids the excess of ornament, conspicuous in this as well as in the other parts of that translation, we cannot say that he has rivalled Pope in tenderness and sweetness. But he has his revenge in the shield of Achilles. It was precisely upon this ground—the most artificial portion of the Iliad—that we expected to see the faithful and elegant translator of Oberon and the Georgics achieve a triumph. We shall extract the description of the last compartment, and we would beg of our readers to contrast it for themselves with the loose and inaccurate version of the same lines which they will find in Pope.

‘ Now on the shield a choir appear’d to move,
Whose flying feet the tuneful labyrinth wove,
Such as famed Dædalus, on Gnossus’ shore,
For bright-hair’d Ariadne form’d of yore.
Youths and fair girls there hand in hand advanced,
Timed to the song their step, and gaily danced.
Round every maid light robes of linen flow’d,
Round every youth a glossy tunic glow’d :
Those wreathed with flowers, while from their partners hung
Swords that all gold from belts of silver swung.
Train’d by nice art each flexile limb to wind,
Their twinkling feet the measured maze entwined,
Fleet as the wheel whose use the potter tries,
When, twirl’d beneath his hand, its axle flies.
Now all at once their graceful ranks combine,
Each ranged against the other, line with line.
The crowd flock’d round, and, wond’ring as they view’d,
Through every change the varying dance pursued ;
The while two tumblers, as they led the song,
Turn’d in the midst, and roll’d themselves along.’

Whether the last two lines of the original be spurious or not, they are here most exactly translated.

It will be evident, from what we have said and quoted, that Mr Sotheby has united with a classical closeness of translation, considerable harmony of numbers. But we doubt whether it be possible for our language, in its modern state, to image out to English apprehensions the freshness and beauty of the Homeric style—the true fount in which to bathe, if we would recover the youth of the soul ; and, unquestionably, no version, in any tongue, can ever approach that melody, unrivalled by the later bards of Greece herself—at once soothing and majestic as the music of those dark-blue waves which murmured in the ears of Homer, when his glorious eyes could behold them no more.

ART. VIII.—*Abstract of the Bill for Establishing Courts of Local Jurisdiction.*—Ordered by the House of Commons to be printed 21st June, 1880.

THE memorable motion of Mr Brougham in February, 1828, upon the Reform of the Law, has at length been followed up in a condign manner. It first led to the important measure of the two Commissions, one upon judicial proceedings, the other upon the law of real property; and each of these has prepared already two elaborate, voluminous, and most valuable reports upon the subjects intrusted to their investigation. Although Mr Brougham expressed himself to be extremely dissatisfied with the selection of Commissioners, by which those were placed on one commission whose promotion to the Bench was expected immediately; and by which Mr Humphreys, the man best qualified to aid the enquiry, was left out of the other list; yet he has uniformly done ample justice to the talents, the learning, and the firmness, mingled with discretion, which both the Commissions have so amply displayed in their proceedings; and he has cordially supported all the propositions which they have made for reforming the law. Consistently with this view of their merit, he abstained for some time from proposing any measures of his own, lest he might interpose obstacles to their plans; and this cautious and delicate, as well as judicious course, was, without any hesitation whatever, or without any shadow of truth, ascribed to a prejudice against law reform, that is, against his own measure; and pretty plain insinuations were flung out, that he had become estranged from the cause by ambitious views, of a professional nature. He who had (as he indignantly exclaimed in Parliament) refused the highest judicial stations, and taken steps even to prevent the very office alluded to from being tendered to him by those who desired nothing better than his acceptance of it, was, by the mean jealousy of other reformers, charged with abandoning the question upon which his fame was to rest with future ages, for the purpose of paying court to the powers that be, with a view to his own promotion!

While such persons were thus venting their feeble spite, he was maturing the great measure, the outline of which forms the subject of the paper before us. We consider it as too important to be lightly passed over, and there is no better or fairer way of bringing the whole subject before the reader, than by first stating the nature of the evil, then the difficulties of the cure, and, lastly, the remedial measures now brought forward by Mr Brougham.

The all-important subject of Judicial Reform has, of late years, happily occupied the almost undivided attention of thinking men, in every part of the country. In Scotland, as well as in England, there exists the most lively interest in all that relates to matters of Jurisprudence. Every attempt to amend our laws upon sound principles, meets with favour and encouragement out of the legal profession, and more out of Parliament than within its precinct. The subject-matter, then, of our present remarks, will not readily be deemed either dry or trivial, by almost any class of readers in either part of the island.

I. THE EVIL.—All the mischief and inconveniencies of an antiquated system, formed in different times, and adapted to an opposite state of things, but rigorously enforced and tenaciously adhered to when every other thing has undergone a change, are formed to impede and encumber the administration of justice in England. Let any one but take the pains to consider what was the state of society in the times of the Edwards and the Harrys, when the foundations of our legal polity were laid, and contrast that state with what we now see around us. The people were scantily dispersed over a country covered with forests, and yielding little return to the regular toil of the husbandman. They lived little in towns, unless when they chanced to be collected under the walls of some baron's castle, whose protection they sought. They directed their lives to the chase, to plunder, to war, and a very little to agriculture. The towns had hardly any existence,—trade next to none,—manufactures absolutely none. The barons, or privileged class, lorded it over them as vassals, who were ready to follow their fortunes in a tumultuary war,—now against a foreign prince,—now against their own,—now with one another. In peace, those vassals were their idle and dissolute retainers, and shared the rude hospitality of their strongholds, in which law and subordination to the power of the state had as little place as sobriety or rational occupation. The most profound ignorance pervaded and darkened the land, only broken by the scanty and useless learning of the priests, who domineered over the minds of the superstitious multitude as absolutely as the barons did over their persons and property. The bulk of the people, indeed, were the chattels of those lay and spiritual lords, once held in property as their beasts, or arms, or tools, and latterly held with the land, and with it transferred like its fourfooted inhabitants. Almost every habit and practice, whether of business or indulgence, that now occupies the various ranks of the community, from the prince to the peasant, is the growth of later ages; most of the classes into which the people are divided, had in those early days no exist-

once ; except one kind of property, none of the things in which wealth now consists were then known, even by name ; and that kind is used or enjoyed as differently as if it were not the same sort of possession. There is really no exaggeration in saying, that a native of one of the South-Sea Islands would be as much at home, if set down by the captain of a merchantman in Cheap-side, as would a baron or a woodman of the times of Edward the First, were he recalled to life by some magician's wand, and awakened from his repose in the Temple Church, to hear in Fleet Street the blowing of the guard's horn, or the puffings of the steam-boat ; and the click of the printing-press would certainly scare a High-Priest from Timatave, less than it would the Becketts and Bigods who once ruled us by the breviary, and muttered the incantations of their superstitions under the cloisters of their venerable abbeys.

Now, it was for the society, the habits, the property, the rights of such remote ages, that the laws were framed. They were adapted to the pursuits, and regulated the disputes, of men in such an opposite state of society. Their provisions might all have been absolutely perfect for that purpose, and as entirely unsuited to the state of things in the present day. Can we wonder that there should be little chance of fair treatment for the poor, under a system controlled by those who held the common people in property, as they held their cattle ? Can we expect the principles of laws, made when there was no wealth but the soil, to embrace the questions which arise between manufacturers and merchants ? Can we marvel that the statutes made, or the rules of procedure fashioned, before bills, or notes, or stocks, were known by name, should not extend their provisions to the claims arising upon these valuable subjects of commerce ?

That the confusion which would arise from applying our old laws to our present condition and affairs, has been spared us, is only owing to the necessity under which lawyers, ever hostile to all change, have been placed, in spite of their very teeth, to new-model the law from time to time, in many essential particulars. The country must have come to a downright stand-still but for this ; and it required no less imperious a necessity to produce the alterations. But still as much of the old and inapplicable matter is retained as was possible. The problem to be solved has always been, not how the community could be best fitted with laws suited to the circumstances of those who were to obey them, but how the community could go on with as little provision of new and fitting laws as possible. This minimum of change, that is to say, of improvement, and adaptation, and convenience, was always sought after, and generally

hit. The waggon had got over the edge of the road, and if left to itself, must stick fast or tumble headlong. Its drivers would by no means raise it and put it on the level again, but only poised it barely enough to let it slide on, without falling over.

In the meantime, if the lawyers did not try to mend their system by reversing or adapting it, they were busy enough in adding to it parts which augmented its burden on the people. Those additions, and the changes that accompanied them, were contrived to increase their own gains, and suit their own convenience. They were, in truth, very great alterations in the system, and they were, for the most part, alterations for the worse. The one which worked the most serious and extensive mischief, was the bringing all business away from the suitor's doors, and thus adding to the delay, the vexation, and the cost of all proceedings. The simple proceedings of rude times were, in most respects, ill-adapted to the present refined state of society; but, in one particular, they were admirably suited to the exigences of the people, in all stages of refinement. They were formed upon the principle of domestic justice, so far as to assume, that the suitor came in contact with the judge, or at least was always near enough to have access to him. Hence, the judge resided in the district over which he was to distribute justice, and he was controlled by appeal to the superior judicatories, which, from time to time, also sent members of their own body round the kingdom.

By the disuse of such local tribunals, and by a thousand artifices and abuses which have crept into the administration of the system, the English have at length arrived at their present state,—nearly the worst in which any country can stand. They have all the defects, and inaccuracies, and irreconcilable incongruities of a jurisprudence formed for a perfectly different people and country, partially and clumsily adapted to the altered state of things; and they have, moreover, all the mischief which could be inflicted upon them by the arts and industry of those whose interests could only be consulted by dropping almost all that the original constitution of the system had of good and natural, and by adding much of evil peculiar to our own times and country. The people suffer and the craft gains by the evils of both the old and the new order of things, without the advantages natural to either.

To enumerate, even generally and superficially, the results of this, as they are every day experienced by the people, would be to perform, inadequately and feebly, a task upon which the learning and the genius of Mr Bentham have been exhausted. To his master-hand we owe a picture, which, for depth of colouring

and vigour of design, has no match ; it is the greatest service ever rendered to the country which he adorns, by any of her political philosophers ; and its contemplation has produced, sooner or later it was certain to produce, the resolute determination of the ablest statesmen to clean out the Augean stable, whose recesses he has laid open, and upon whose accumulated nuisances his powerful hand has directed the river to roll.

But, although we are far from intending to make any such recital of the evils, we may remind the reader of what has been said, and not denied, of the actual state of things. England, then, be it remembered, is a country, in which the first lawyers ever that no man but an idiot, or one who cares nothing for his own interest, would ever think of suing another for so small a sum as twenty, or even thirty pounds, in one kind of Court, and for so little as a hundred in another ; and where, if he were called on to pay such a sum a second time, by a creditor, whose stamp receipt he had in his pocket, having paid it to the same creditor an hour before, he would at once pay the money rather than gain a suit commenced against him by defending it.—England is a country, where, if a man be knocked down with injury and insult, he has but one substantial means of redress, putting his antagonist to death, for which he will be punished, though not capitally.—England is a country, where, if a man's character, or that of his wife, or his child, be slandered daily for a year, he cannot, without risking the bread he and they have to eat, have any remedy but assassinating the supposed defamer.—England is a country, where no secure conveyance can be made, at any expense, of almost any real property, and no conveyance at all of property under forty or fifty pounds.—England is a country, where, if there be left a legacy of a hundred pounds, the plain and obvious course for a prudent man to take, is to say nothing about the matter, and let the executor keep it instead of himself, unless he will voluntarily pay it over, which he is substantially under no kind of obligation to do.—England, moreover, is a country, which, by the common consent of almost all its own inhabitants, has no equal on the globe, for the excellence of her institutions ; and of these the first and the most excellent is her system of jurisprudence, which all who understand it extol to the heavens, as the most divine production of perfect wisdom—which all, who know it by experience of its blessings, curse as the worst mischief that ever proceeded from the infernal regions.

II. THE DIFFICULTY.—To reform such a system, to restore whatever of its primeval simplicity is truly beneficial, to adapt the whole to our own times, to lop off what is redundant and pernicious, to make it capable of performing its office—the real

dispensation of justice between man and man, and the securing of the rights of all at a moderate cost to each, and with a reasonable certainty that right shall prevail;—this is clearly a task worthy of the highest gifts which can adorn either lawyer or statesman; but it is also a task of extreme difficulty, from various causes. When a system is of so long standing that it loses its origin in the most remote antiquity, it becomes, on that account, venerable in the eyes of the people, who regard it with the awe which the works of Nature themselves are calculated to inspire, and, fancying it to be a part of the immutable order of things, set about adapting their conduct to its arrangements, as if they had no power of making those arrangements conform to their own convenience. Its antiquity, too, makes it unavoidably connected with every other part of our institutes, civil and ecclesiastical; so that, to change its parts seems the same thing as to tear away those branches by which it has become closely interwoven with all the other portions of our polity.

These considerations are both, in themselves, very powerful holds over the minds of man, and strong supports of the established jurisprudence; but they afford the means, to designing men, of perpetuating abuses in which they have found their own profit. For there is another far less justifiable obstacle to improvement, and a far more powerful one, in the constant interest of professional men to maintain profitable abuses. Their views are pointed towards their own gains; and, therefore, against the best and most obvious interest of those to whom justice is due. The suitor cannot have it too cheap, too speedy, too easy. The lawyer cannot sell it too dear, too dilatory, too vexatious. His influence and his gains depend on the trouble, the delay, the expense to which the suitors are put for the recovery or the defence of their rights. He is, therefore, the habitual and the unshrinking defender of things as they are, and the vehement and unscrupulous enemy of all change; save, peradventure, some change that may add to the cost and the vexation already accumulated by the labours of his predecessors. Unhappily he is as powerful as he is strenuous in his resistance to improvement. He, and he only, is well armed with the knowledge of the subject in its details, so essential to successful attack or defence of existing abuses. He can deny and assert at pleasure,—can find mistakes in his assailant's arguments, and detect, or, if he find them not, can invent, errors in his statements of fact,—can perplex the subject by involving it in unfathomable darkness and inextricable confusion,—and confound his less learned adversary by the variety of his confident assertions, and the undaunted front with which he brings them forward. In prosecuting this unequal

warfare his address is equal to his boldness; and both arise from his just confidence in his ample resources. He begins with a dangerous frankness, by admitting that there appear to be evils, and that the complaints made wear an external aspect of justice. But he undertakes to demonstrate their gross exaggeration. Nay, he will oftentimes go so far as to admit, that mischief does exist; but the good which he can show by facts, it, on the whole, practically secures, greatly overbalances the ill; and then they only who are utterly ignorant how the system works can think of encountering the incalculable mischief and serious dangers of the alteration. Therewithal he will conjure you up the most hideous phantoms of evil as the instant and unavoidable fruits of the projected change; and he sets before you the choice—there is no other alternative—of bearing with the trifling inconvenience, or curing that at the certain expense of encountering the countless and boundless calamities which the innovation must bring on. It is true, that a practised reformer well knows every individual phantom thus called forth to affright him; for they are precisely the same, and succeed in the same order, and go through the same antic tricks each time that any amendment of the law is propounded; and they troop in as nimbly, and look as horrid, when the very smallest change is named, as when there is a talk of upturning the system of abuse from its foundations. It is always, ‘Veneration for establishments,’—‘Wisdom of past ages,’—‘Holy institutions of religion,’—‘Pillars of the state torn down,’—‘Incalculable risks of unknown things,’—‘Moving landmarks,’—‘Unsettling the whole order of things,’—‘Ignorance—rashness—presumption,’—‘Innovation! Innovation! Innovation!’ But though the wary and experienced reformer well knows all these bugbears, and is proof against them, his well meaning and less disciplined supporters know them not; and with the multitude at large they exercise a fearful sway. How often soever they may appear, they are always clothed in terrors for the ignorant and unreflecting; and they render the task of law reform always difficult, often hopeless.

Add to this the exalted support which the influence of such apparitions never fails to receive from the highest quarter, those reverend persons set apart as an order by themselves, scarcely less sacred than the hierarchy, for the exposition of the laws and the dispensation of justice. They are ever found to join in resisting change; and they perform their part of the drama after a very skilful and efficacious fashion. They never reason upon the matter at all; but they publicly fling themselves into the most horrid contortions as often as a change is mentioned, and the

well-known phantoms are made to rise up. They affect the utmost excesses of fear at those grisly shapes; and thus propagate among the vulgar of all ranks, but specially of the highest, that most infectious of all corruptions, the loathsome contagion of alarm.

We must not close this hasty and imperfect sketch of the difficulties attending reform of the law, without adverting to another, which is applicable to the manner of the reformer's working. The very existence of any institution for so long a period, and its intimate connexion with so many interests and so many other branches of our polity, both because of the hold it has acquired over men's minds, and because of its having become the supporter of other institutions, renders it dangerous to move without great delicacy and caution. A change which the country does not generally go along with may be, abstractedly considered, an amendment, and may yet, practically speaking, be a change for the worse. This must never be for a moment lost sight of by the law reformer; he must always remember that he is dealing with men, not with things; that he has a problem to solve with certain data prescribed to him, and which he has no power to vary; and that of these the habits and even the prejudices of the people are the most considerable. He must therefore only introduce changes as far as he has prepared the people for their reception; must beware of raising against the working of his machine those powers on which alone he can rely for putting it in motion; must take especial care only to alter what he intends to alter, and not other parts in connexion, which he does not desire to disturb; must, above all, beware that, in changing things, he change not names unnecessarily, and that, when he changes names, he do not also unintentionally change things. To alter the law, and even to mend it, would be the easiest task which a rash and ignorant hand could undertake, were it not for considerations like these. To amend the law safely and securely, cutting off the noxious part, and making the new mechanism chime in harmony with the portion left, is a task worthy a learned and sagacious lawgiver, and is at once the most difficult and the most exalted of his functions.

III. REMEDY.—The ground is now cleared for considering the measure brought forward by Mr Brougham, and abstracted in the Parliamentary Paper before us. He has gone at once to the main-body of the evil—the delay, and expense, and vexation of justice, as at present administered; and he has boldly, it must be confessed, propounded his remedy, by a very sweeping change in the present system. But it appears manifest, that the change is of no rash and unheeding kind; for it is bottomed upon the

safest principles; it leaves all the rest of the law untouched; it connects itself with the system without moving it; and it has even a warrant of authority, not only in the minor analogies of that system, but in its original, we may say, its primeval arrangements. The *gist* of the plan is shortly stated:—it is to bring justice home to every man's door at all times of the year, by the establishment of Local Courts, and at the same time to secure soundness of decision, and preserve perfect uniformity of law, by giving the superintendence over the local judicatures to the central and general courts of Westminster. In what manner this principle is carried into execution the Bill itself can alone fully expound. But as it is necessarily long, having no less than a hundred and seven sections, and a long appendix of forms, occupying fourteen folios, and as, moreover, there is unavoidably much technical matter in the details of the plan, an Abstract referring to the Bill is furnished; and affords a plain and popular view of its provisions, while it serves at the same time as a key to its contents. We shall at once bring this Abstract before the reader, by inserting it at length:—

‘ Although the Bill only provides for two courts, one for Kent, and one for Durham and Northumberland, its provisions may be extended to the other counties of England and Wales, as soon as it can be ascertained how large each juridical district should be.

‘ The object of the Bill being to afford the means of trying causes at as little expense, and with as little delay and inconvenience as possible to the suitors, district courts are established, under the revision of superior courts, in most cases.

‘ The judge of each district is called the judge in ordinary; and he has a registrar, with a clerk, crier, usher, and messenger. The judge must be a serjeant or a barrister of ten years' standing. He and the registrar are appointed by the Crown; the clerk by the registrar; and the other officers by the judge.

‘ The judge, registrar, and clerk, are paid partly by salary and partly by a proportion of the fees collected on the business done; but those fees do not depend upon the number of steps or the length of the procedure in any case; they depend only on the number and value of the causes. The crier is paid by salary; and the usher and messengers by salary and fixed fees on the service of process. Extra messengers are to be appointed, when necessary, from the sheriffs' bailiffs, and these are to be paid by fees on the service of process. The constitution of the court is laid down in the first twelve sections, and rules of practice are to be laid down by the judges of the courts of Westminster Hall, section 106.

‘ The court thus established has six branches of jurisdiction, three compulsory, and three voluntary or prorogated. The compulsory jurisdiction is in certain actions—in small debts—and in legacies; the voluntary, in all actions,—in arbitration,—and in reconciliation.

court is to sit once a-month at least, except in August, and in parts of the district, judge ordinary is to be a justice of peace of that and the adjointies, and in the commission of oyer and terminer and gaol de-

The court has authority to try all actions where the defendant within the district, and the cause of action, if on a debt, does not one hundred pounds, or if on a tort fifty pounds, and where title estate, tithe, or by bankruptcy, or to toll, market, or other franchises does not come in question.

It has authority to try, in a summary way, small debts not exceeding pounds, under the like restriction as to real estate, &c.

It has authority to try claims of legacy not exceeding one hundred lbs.

It has authority to try all actions at law of all kinds, and to any ant, by consent of parties.

It has authority to try all matters, whether at law or in equity, by of arbitration, the parties consenting.

It has authority to hear and advise upon all disputes, with consent he parties, for the purpose of reconciliation.

1.—*Actions.*

The proceeding here is by statement, answer, reply, and rejoinder; tions 13, 14, 15, 49, 51, treat of the jurisdiction under this head. The nner of serving the defendant with the statement, which stands both writ and declaration; of putting in the answer, which serves for plea demurrer, as the case may be; of putting in the reply, which serves r both replication and demurrer; and, of putting in the rejoinder, which ay be either rejoinder or demurrer, is laid down in sections 16, 17, 18, d 19, and the consequences of making default are laid down in section 8. The manner of pleading, in its different stages, is laid down in sections 16, 17, 18, and 19, and schedule (C) gives various forms, according to which the pleading is to be conducted, as nearly as may be. Pre-autions are taken to prevent prolixity and misstatement of facts, by making practitioners liable for the consequences of the same, at the discretion of the court; but the parties have a direct interest in putting these discretionary powers in motion; sections 21, 22, 23, 36, 37.

The process for summoning jurors and witnesses is laid down in sections 30, 31, 34, 35, and schedule (D)—the mode of trial in sections 29, 32, 33.

The judge is authorized to give time to parties for pleading, and to put off trials; and he is also authorized to hear parties and their attorneys, and on oath if he pleases, on the matter of such applications; sections 21, 87, 88, 89.

The judge is authorized to decide points of law raised before him on the pleadings.

The general mode of proceeding in trying matter of fact is by jury; but the judge, with the consent of both parties, may try any matter of fact without a jury, with power, if in the course of the trial he finds the matter, or any part of it, more fit for a jury, to impanel one. He may also,

with consent of both parties, exclude strangers, and try the action in private, with or without a jury, as the case may be. These powers are defined in sections 25, 26, 27, 28, 93.

‘ Any matter tried before the judge, whether of law or fact, may be reviewed by a motion before the judge of assize for the county, the judge in ordinary sitting with him, but not having a vote in the decision of the appeal. If the judge of assize pleases, he may hear it with the other judge of assize.

‘ The judgment of the judge in ordinary, in matter of law, may be reviewed by the judge, or judges of assize; and the sentence of the judge in ordinary and verdict of the jury, in matter of fact, may be set aside, and a new trial ordered by the same judge or judges. Powers are given, under certain restrictions as to costs and securities, of carrying the matter before the Courts of Westminster, from the decision of the judge of assize; and a discretionary power is also given to the judge in ordinary, to require securities before appeal by motion to the judge of assize. Powers are also given, under certain restrictions, to both the judge in ordinary and judges of assize, to reserve points and order cases for the opinion of the superior courts.

‘ The subject of appeal is treated of in sections 41, 42, 43, 44, 45, 46, 47, 48, 51. Upon all final judgments, execution is to be taken out, and the process thereof served, according to rules laid down in sections 38, 39, 40. The judge has power to order payment by instalments, section 39; and debts may be assigned in satisfaction, section 40.

2.—*Plaints.*

‘ The proceedings in the small debt court of the judge in ordinary, is by plaint and plea. The rules relating to the service, pleading, and notices, are laid down in sections 52, 53, 54, 55, and forms are given in schedule (C.)

‘ The judge is to sit for the trial of plaints at each place immediately after the sittings for trial of actions.

‘ He may examine on oath the parties before him; and these parties may appear by others, if prevented from attending.

‘ The execution is summary, by warrant; and there is no appeal or revision, unless the judge deems it fitting.

‘ The trial is by the judge without a jury, unless he thinks it fit to have a jury.

‘ The trial of plaints is treated of in sections 56, 57, 58, 60—the judgment and executions in sections 59, 61, 62.

3.—*Legacy.*

‘ The proceeding in legacy is by citation and claim, serving the office of both subpœna and bill; and by article, serving the office of answer, plea, and demurrer.

‘ The citation must be not less than six months after the executor or administrator's title accrued, and twelve months after the death of the testator.

‘ The rules for proceeding and pleading in legacy are laid down in sections 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78; and forms are given in schedule (C.)

‘ Wherever the executor or administrator has free assets, he must either pay the legacy as far as his assets go, or he must show cause why he does not, stating the claims against the estate, which he apprehends may be made; and in that case he must pay the money claimed into court, to await the coming in of such claims.

‘ An appeal by way of motion lies from decisions in legacy, to the courts of law and equity, according to rules laid down in sections 70 and 73.

4.—General Jurisdiction by Consent.

‘ This extends to all actions at law. The consent of parties must be given in writing, and filed with the statement, answer, &c. or at whatever other stage of the cause the necessity arises of extending the jurisdiction beyond its ordinary limits. This is laid down in section 14, and the forms are given in schedule (C.)

‘ The forms of pleading under such parts of this head as are not exempted under the head of actions, are given in schedule (C.)

5.—Arbitration.

‘ The judge ordinary is a judge of arbitration also, and may proceed upon any matter at law or in equity referred to him, after the manner of an arbitrator.

‘ The mode of proceeding is laid down in sections 79, 80, 81, 82, 83.

‘ The judge is to raise any question of law on the face of his award, but either party desires to carry before one of the superior courts of law or equity.

‘ He has also power to try any part of the matter referred to him by jury, subject to certain rules.

‘ The reference to him is irrevocable; witnesses are compellable to attend him; false swearing before him is punishable as perjury; and his award can only be impeached if it exceed the terms of the reference.

‘ Judgment and execution on the award is to be had, as laid down in sections 84, 85.

6.—Reconciliation.

‘ Any party may cite another against whom he has any claim or complaint, or from whom he apprehends any claim or complaint, before the judge ordinary, at a time and place specified in the citation and allowed by the judge.

‘ The judge is to hear the parties themselves, without any attorney or council, and to advise them on the matter of their differences; subject to certain rules laid down in sections 95, 96, 97, 98, 99, 100, 101.

‘ If they agree to abide by his advice, a memorandum of agreement is to be signed by them, and this shall be binding, according to rules laid down in section 100.

‘ Execution may issue on whatever agreement is made for payment of money.

‘ All fees, after paying the proportions of the costs to be paid into the consolidated fund, section 102.

‘ There are clauses for punishing perjury, and for the judge ordinary of directing prosecutions at sections 91, 92.

‘ There are clauses for regulating proceedings in equity.

execution of the act, and for prosecuting persons for extortion, sections 102, 104.

‘ Schedules (A.) and (B.) prescribe the fees of the court and messengers.

‘ Schedule (C.) the forms of pleading.

‘ Schedule (D.) the forms of summons to jurors and witnesses.

‘ Schedule (E.) the forms of oaths to jurors, parties, and witnesses

‘ Schedule (F.) Attorney’s fees.’

It is not saying too much, to assert that the measure, of which there are here sketched the great outlines, answers the description given in the preamble of the Bill. ‘ Whereas it is expedient that the means should be afforded to the people of this realm, of having their suits tried as speedily and as near to their own homes as may be, whereby expense, vexation, and delay may be avoided: And whereas it is fitting that at the first the provisions for this purpose should be confined to certain parts of the country, to the end that the rest thereof may profit of the improvements suggested by experience, when the same shall be extended over the whole of the kingdom; and that the due administration of justice, wherein doth chiefly stand the strength and happiness of nations, may be placed upon a sure foundation.’

The most important branches of this plan are, the establishment of Courts of Local jurisdiction,—the providing a good Small Debt jurisdiction,—the improvement of the law of Arbitration,—the enabling small Legacies to be recovered,—and the institution of Courts of Reconciliation.

If the scheme shall become law, it will be possible for every man to obtain redress for wrong as soon as he has suffered it, and without more expense than he can recover from the wrongdoer. The business of the assizes will henceforth no longer be chiefly composed of trifling suits, assaults and slanders, where 40s. damages can hardly be obtained, and small tradesmen’s bills of a fourth and fifth part the amount of the costs of suit; in a word, actions in which, under pretence of adjusting the claims of the parties, the court is, in truth, only settling which of them shall pay the bills of the attorneys. That shameful sight never can again happen which Mr Brougham described as having been exhibited at one assizes for the county palatine of Lancaster,—fifty causes tried, the only civil business done, and the average amount of the verdicts recovered, under fifteen pounds. Nor will it be any longer possible for a wealthy wrongdoer to heap insult upon injury, by defying him whom he has wronged to dare seek redress, and intimating that, bad as himself has been, the law will be found far worse; or for a knavish executor to tell a poor legatee, whom the kindness of a common friend intended to make comfortable for life, that his only re-

medy is a bill in equity; to which he will certainly put in his answer, promising to pay when in the fulness of time the cause (and the parties) shall be disposed of.

The manner of effecting these invaluable changes is, in one view, still more important than at first appears. Not only may the machinery of the provincial jurisdictions be extended, when experience has pronounced in its behalf that judgment from which there can be no appeal, so as to embrace all causes, and all amounts of claim; but the new mode of pleading, which forms a part of the bill, is of universal application. It is grounded upon the original principles of the act, in which the older pleaders so eminently excelled those of our day; and it is at once certain, simple, and concise. A record will no longer, when so framed, be conspicuous for prolixity and vagueness alone—for the endless multitude of words in which no meaning at all is enveloped—for affording no insight whatever into the claims and defences of the contending parties—nor indeed serving any one purpose, except to profit the profession at the suitor's expense. But each will tell his story plainly and shortly; and both will, at the earliest possible time, and in the fullest manner, disclose their opposite contentions, informing one another what they are to maintain, and the judge what he is to decide upon. This portion of the measure is contained in schedule C, and the abstract above extracted gives no idea of it at all. We therefore shall extract a specimen for the information of the reader; and we consider that portion of the plan as deserving the most serious attention of those eminent persons in this part of the island, who are occupied in forming regulations for governing the proceedings in Jury Trial. Our habits are yet to form; our system of pleading is not framed; with us the reformer has not to struggle against inveterate practice, knowledge dearly bought, and hard to abandon or unlearn, and prejudices rooted deeply in the soil of usage, and ignorance, and interest. Even if such impediments should unfortunately prevent its adoption in England, or its extension to the proceedings of the courts above, can there be any reason why in Scotland it should be rejected?

' Form of Statement.—In Debt on Simple Contract, (Bill of Exchange.)

' A. B. sues C. D. before the Judge in Ordinary, &c. for the sum of L.92, which C. D. owes him for principal and interest upon a bill of exchange for L.85, drawn by E. F. upon and accepted by C. D., dated 1st day of January 1827, at six months after date, payable to A. B.

(Signed) ' G. H. &c.'

' Form of Answer.—General Denial.

' C. D. denies that he owes A. B. any thing in respect of the said bill.

' Form of Answer.—Partial Denial.

' C. D. denies that he owes A. B. more than L.80, because he says that he hath paid L.12 for interest upon the said bill of exchange, and he pays L.80 into Court.

' I. K. &c.'

' Form of Answer.—Allegation of Variance.

' C. D. denies that he owes A. B. any thing in respect of the said bill of exchange, because he says that he accepted a bill of exchange drawn by E. F. payable to A. B. at six months after date, which bill was drawn payable six years before the bringing of this suit; to wit, on the day of January 1824; and the right of suing thereupon is barred by the Statute of Limitations.

' I. K. &c.'

' Form of Reply.—Re-affirmance.

' A. B. says that C. D. owes him the sum demanded in respect of the bill of exchange in the statement of A. B. mentioned.

' G. H. &c.'

' Form of Reply.—Departure and Adoption.

' A. B. says that C. D. owes him the sum demanded in respect of the bill of exchange in the answer of C. D. mentioned, because he says that within six years next before bringing this suit, to wit, on the 1st day of January 1827, C. D. promised in writing to pay the said sum in respect of the said bill [or, paid interest on the said bill.]

' G. H. &c.'

' Form of Rejoinder.—Denial of the Reply.

' C. D. denies that he promised to pay the said sum [or, denies that he paid any sum of money for interest] in respect of the said bill of exchange, at any time within six years next before bringing this suit.

' I. K. &c.'

' Form of Rejoinder.—Confessing and Avoiding.

' C. D. admits that he promised to pay the said sum in respect of [or, paid the said money for interest on] the said bill of exchange; but he says that he made the said promise [or, paid the said money for interest] by means of threats and duress.

' I. K. &c.'

These pleadings here occupy only twenty-eight lines, and in the bill itself less than thirty. At least as many folios would be occupied with them, if drawn according to the present rules of pleading; and, moreover, they could not attain their object; for no means are now afforded of certainly escaping the risks of nonsuit for a variance between the record and the proof: whereas, by adopting the ingenious contrivance described by the Commissioners of Law Reform in their Second Report, and adapting it to his system of pleading, Mr Brougham has taken the whole advantage of that useful suggestion.

The improvements in the law of Arbitrament are of great importance. It had long been felt necessary, even by the most practical men, to alter the law in this branch; and many went so far as to agree in the suggestion first made by Mr Brougham

in July 1828, of establishing courts of arbitration, which suitors might easily and safely resort to, when they were minded to terminate their differences summarily and privately. In fact, many causes are fitter for this kind of forum, than for the more solemn and operose discussion of a public trial. All matters of account and mutual claims are eminently of this description. But so are others, even where conflicting testimony is to be balanced by frequently reconsidering the parts of the chain of evidence, and by repeatedly investigating minute circumstances. The advantages of an enquiry before a jury are, in many cases, very great, and its superiority to all other methods apparent. But it often works injustice, by giving undue importance to slips of witnesses and of practitioners; and it always is incompatible with a very patient and repeated consideration, which is in many cases absolutely necessary. The very publicity and solemnity of the procedure is against this; and it is found often far more conducive to justice, that the persons engaged in the conduct of the cause should sit together, and discuss it round a table, with less of ceremony and fewer spectators, than a public trial supposes.* Besides, if the parties are to be examined, much of the serious objection urged to the effect of swearing a man to the truth of his own story, and cross-examining him in public, will be removed if you examine him before arbitrators. To facilitate references, therefore, was a very important measure; but it was necessary also to improve the mode of proceeding. We believe, the manner in which such enquiries are often carried on is by no means satisfactory. The arbitrators are not always of the first eminence for capacity—very often are men of little experience—hardly ever devote as much of their time to any reference as is necessary for due despatch; and then the reference is generally made at a great expense, after all the cost of having the cause tried in court has been incurred on both sides. To afford a tribunal of undoubted respectability, where this valuable kind of jurisdiction may be regularly and speedily explicated, is, it appears to us, an amendment in the law of great value.

But the Bill gives other facilities. It enables the arbitrary judge to compel the attendance of witnesses; it punishes false swearing as perjury; and it removes that absurdity by which the present law of arbitrament is disfigured, the revocable nature of all submissions to reference, and the utter invalidity of

* See an able pamphlet by Mr Dance, of the Insolvent Court; a gentleman whose great experience renders his practical suggestions peculiarly valuable,

all bounds and agreements to refer. The truth is, that arbitration has never been a favourite, either with the law or the judges. It interferes with the gains and influence of the profession; and hence the monstrous decisions by which, when two parties voluntarily bind themselves by the most solemn instruments, and under the most specific penalties, to abide by the award of some arbitrator of their own free choice, the English courts have held, that the parties have not bound themselves at all, and have refused in equity to compel a performance, and at law to award damages for a breach of the solemn and deliberate obligation.

The greatest novelty in this measure, however, is the institution of Courts of Reconciliation. Every one who is practically acquainted with the law, knows that no precautions can rescue suitors from the gripe, or save them from the art, of the lower practitioners—whose appointed prey the ignorant and timid of all classes are. If any one of the hundred suitors at Lancaster assizes, on the occasion above alluded to, had known that he might lose his cause and have the costs on both sides to pay—but that, if he gained, he would assuredly be a good many pounds out of pocket, can it be doubted that he would have paused, and either yielded, if he felt that he was in the wrong, or even, if sure of being in the right, have listened to terms of compromise? But his attorney had a direct interest in keeping him in the dark, and took especial care to prevent such truths from ever reaching his mind. It may, however, be said, that all this is owing to the defects of our system, which amount in so many cases to a denial of justice. Yet, even under the most improved administration of law that can be conceived, much power of deception will always be exercised by those professional men whose interest it is that frivolous suits should be multiplied, and desperate cases defended. Often, too, their ignorance makes them bad advisers; and it is in vain that the courts and the legislature unite their efforts to remedy these evils, as long as the suitor gets into the pettifogger's hands before he comes into those of the judge. Furthermore, were there no other bad counsellors, men's passions are the worst advisers. One is irritated, and will go to law; another is alarmed overmuch, and will yield a just right; a third is sanguine, and cannot suppose defeat possible; a fourth is proud, and won't appear to yield voluntarily. All would be infinitely safer in the hands of some respectable and experienced man, who might hear what each had to say, and give his advice to both. The Bill proposes that the provincial judge should hold courts of reconciliation for hearing and advising. The experiment has been tried in many countries.

In some it has failed, as Holland and the Netherlands, in France it has not succeeded, except in the case of mercantile causes, where its success has been great. But in others, as Switzerland, Denmark, and Hamburgh, its success has been prodigious. Thus, in Denmark, where it was introduced about five-and-thirty years ago, the number of causes brought into the courts was at once reduced to one-third their former amount; and in Hamburgh, many thousands of causes are every year disposed of finally in this way.

The last branch of the measure upon which we shall comment, is the Small Debt jurisdiction. The advantage of appointing everywhere really good small debt courts, may be seriously known in England, by the evils of the present defective system. There are now above two hundred and forty small debt courts in different parts of the country. The varieties of their constitution and powers are endless; and many of them have jurisdiction to a great, even to an unlimited extent, which for a long course of years has never been exercised. Most of them are very ill composed, give no satisfaction, work great injustice, and are only rendered tolerable by the grievous abuses of the system in general, which make any kind of justice, how bad soever, better than none at all. When respectable magistrates shall everywhere be armed with the powers conferred by the bill, it is to be expected that their courts will be resorted to in preference to the courts of requests and courts of conscience now established; and then it will doubtless be advisable to abolish the latter altogether.

We have now gone through the matters which we proposed to handle, in connexion with the important subject of this bill. It has for the present only been introduced into parliament; but it was supported by the government, as well as hailed with loud approbation by the independent part of the House of Commons, and we are sanguine in the expectation of its final success. This period, however, ought not to be deferred longer than is necessary for mature deliberation upon its provisions. The measure is not propounded in a crude form; it is plainly the result of much reflection and labour; nor will the legislature have the ordinary excuses for a dilatory treatment of it—for they may rest assured that the eyes of the country are bent upon their conduct in a matter of such paramount importance to the welfare of the whole community; nor will any excuses stand in the stead of either adopting this remedy, or devising some other better suited to meet the greatest practical evil ever country yet laboured under.

ART. IX.—*Memoirs, Correspondence, and Private Papers of Thomas Jefferson, late President of the United States; now first published from the Original Manuscripts.* Edited by THOMAS JEFFERSON RANDOLPH. 4 vols. 8vo. London: 1829.

EVERY picture has its point of view, which, as a matter of course, all people seek to find before they begin to criticise. It is admitted, that the most perfect work of art may otherwise be overlooked as a mass of undistinguished colour. There are places in the boxes, as well as gallery, of many theatres, whence it would be ridiculous to pass sentence on the merits of a half-heard piece, or the talents of an almost invisible performer. So simple a rule of sense and fairness is, nevertheless, often unaccountably disregarded, when we sit in judgment on the much more difficult cases of national or individual character. How few persons, while dealing with Asiatic literature, morals, or society, think it necessary to consider beforehand where they shall take their stand. The spot on which they happen themselves to be placed at the moment is immediately assumed to be the only position from which the object ought to be viewed. We have some difficulty in believing that the peculiarities, important as they are, which distinguish America from Europe, should have proceeded to such irreconcilable differences of a moral and intellectual nature, as to disqualify us from the possibility of an approximating estimate of each other. But we have none at all in perceiving that the assistance of some friendly and skilful hand in conducting us by proper steps to the proper points of observation, is an indispensable condition to any intelligible execution of the task. The moral of such a state of things ought to be mutual forbearance. On the one hand, the American who finds himself rapidly losing, during a short absence, the distinctive qualities of Americanism,* and who has experienced in his own person

* Jefferson's evidence on this point (1801) is very remarkable. 'When I returned from France, after an absence of six or seven years, I was astonished at the change which I found had taken place in the United States in that time. No more like the same people—their habits and manners—the course of their commerce so totally changed—that I, who stood in those of 1784, found myself not at all qualified to speak their sentiments, or forward their views, in 1790. Very soon, therefore, after entering on the office of Secretary of State, I recommended to General Washington to establish, as a rule of practice, that no person should be continued on foreign mission beyond an absence of six, seven, or eight

that the required discipline of re-Americanisation is a process of considerable effort, should put a charitable construction on the

years. He approved it. We return like foreigners, and like them require a considerable residence here to become Americanised. . . . There is no point, in which an American long absent from his country wanders so widely from its sentiments, as on the subject of foreign affairs. We have a perfect horror at any thing like connecting ourselves with the politics of Europe.' America runs no risk of the fate of Turkey—that of being exposed to annihilation from a systematic ignorance of the temper and the interests of Europe. But there is an unreasonableness in thus keeping aloof from us on system, and afterwards grumbling because we are found more ignorant and more indifferent concerning her, than concerning countries whose policy is founded (whether wisely or not, is a different point) upon the opposite principle of multiplying every possible relation. Ten years preceding, Jefferson had requested of the Portuguese court an exemption from certain diplomatic etiquettes, as a thing 'due to a nation whom distance and difference of circumstances liberate, in some degree, from an etiquette to which it is a stranger at home as well as abroad. The nations of Europe have already seen the necessity of distinguishing America from Europe even in their treaties; and a difference of commerce, of government, of condition and character, must every day evince more and more the impracticability of involving them under common regulations!' A country which thus prides itself upon a privileged latitude of behaviour, ought to be prepared for being occasionally misunderstood. Unless, also, she is at once justified, in assuming, that wherever a difference exists, America, as a matter of course, is right, and Europe wrong, she must take the disadvantages along with the advantages of the distinction. A lady who will not wear stays, must submit to criticism on her shape. The farmer, who insists upon the license of a *déboutonné* dress and posture, is hardly consistent in pretending to the elegance of refinements, which are purchased, and perhaps dearly purchased, by a hundred conventional restraints. Jefferson justly observes, on the folly of reasoning backwards and forwards from Europe to America: 'Before the establishment of the American States, nothing was known to history but the man of the old world crowded within limits either small or overcharged, and steeped in the vices which that situation generates. A government adapted to such men would be one thing; but a very different one that for the man of these States.' Nothing is throughout these Letters more repeatedly and more thoroughly disclaimed, than the notion that any one form of government or self-government can be logically laid down as the proper *formula* suited to all communities, or that the success of their own experiment has any other original foundation, and probably any more permanent security, than the advantages which their actual local peculiarities create. Among these advantages, a principal one would be the formation of a distinct national character, which might continue after its cause had passed away. Jefferson, however, hardly expects it could long survive; so that the peace of society might be regularly preserved by keeping up information

ignorances and mistakes of uninitiated Europeans. On the other hand, our countrymen might recollect, that the fortune of mankind is not conoluded by the form into which society has fallen or been compressed under our ancient institutions. It ought not surely to require any great philosophy or temper in a foreigner, however fresh about him he may carry his European sympathies, to bear in patient mind that he has got into a new world, where the religious and political atmosphere of a Republic, though at first a little sharp, may possibly be no less healthy than the artificial warmth of our old-established climate of Church and King. The more vehement his prepossession in behalf of his own persuasions, the more ought he to congratulate himself, provided he is a creature of reason as well as passion, on the opportunity of observing, at what he will deem another man's expense, whether the great objects of Christianity and government can be fairly left to make good their cause under the vigorous scramble of unrestrained and unbribed opinions.

The difficulty of getting at the truth, in questions so clouded by misrepresentation as the politics of America, makes the *Memoirs and Correspondence* of Jefferson a most acceptable present. Yet neither pleasure nor profit can be derived from the perusal, except on the above preliminary supposition. The most extensive experiment of national self-government ever attempted in the world is now in progress; eminent statesmen, with con-

in the people, instead of energy in the government. This reliance he unfortunately is obliged to confine, as Milton in his bitter disappointment had been reduced before him, within the following limits: 'It cannot deceive us as long as we remain virtuous; and I think we shall so as long as Agriculture is our principal object, which will be the case while there remain vacant lands in any part of America. When we get piled upon one another in large cities, as in Europe, we shall become corrupt as in Europe, and go to eating one another as they do there.' From his observations on the tendency of their people to move off to the westward, and from his criticism on their maritime states generally, he appears to consider that a true American begins to feel himself uneasy, and the genuine republican virtues to be in danger, as soon as the population passes ten to the square mile. The first letter from a Parisian carried blindfolded into Kentucky, would form an appropriate companion to one in which Jefferson, upon arriving in the vaunted capital of Europe, describes 'how the new scene struck a savage of the mountains of America.' We should like to know whether it was the crash of the French opera, whose seductions (when speaking of music) extorted from him the confession. 'I am almost ready to say, it is the only thing which from my heart I envy them, and which, in spite of all the authority in the Decalogue, I do covet.'

siderable shades of difference in their opinions, have presided over its administration; the means of tracing this progress, comparing these opinions, and calculating the ultimate result, are by degrees coming within our reach. Notwithstanding all assertions to the contrary, we never can admit that the nations of Europe generally, and England in particular, are too invincibly stupid or perverse to comprehend the example and the doctrine set before them. None, it is true, may follow, or even wish to follow, this example, under circumstances apparently too different for the example to apply. Some persons may doubt which way the balance of advantages and disadvantages inclines, even in the case of America herself. But there is not a shadow of pretence for flying to extravagant assumptions of some insuperable impediment, in order to explain any degree of misconception which has hitherto prevailed. The point of view which exists in the case of every people, and where alone it can be advantageously or fairly seen, has not been sufficiently thought of. Not that we are aware of America having suffered, from a neglect of this consideration, more injustice than other countries: whilst she has frequently herself to blame for misleading strangers from her real merits, by setting up a foolishly exaggerated, or mistaken claim to merits, which it was impossible she should possess. Even-handed critics must be prepared in such a case for the fate which Franklin experienced, as the reward of his own impartiality—that of being suspected in England as too much of an American, and in America as too much of an Englishman. It is clear, in the meantime, that no man's opinion upon the actual condition or future destinies of the United States is worth having, unless formed and corrected upon such principles. He must not merely understand, but be able to contemplate with indulgence, the turn of personal thought and feeling which her condition necessarily creates in her citizens; and the objects of domestic and foreign policy which her ministers feel themselves called on by her position to pursue. It may save us trouble to begin at once with a belief in this Transatlantic fact—that a republican statesman is not necessarily either a jacobin or a visionary, a speculator on property or in dreams; and that the interests of religion may prosper under a government whose chief magistrate has learned his divinity in the school of Priestley, and his politics in that of Paine.

In the Travels of Lieutenant Francis Hall there is an interesting account of a day at Monticello. A day's conversation with Jefferson—with the great champion of the ruling party in America—appeared to us at the time an enviable event. Yet how insignificant in comparison with the introduction which we

have now obtained, not only into his cabinet, but into the sanctuary of his most private thoughts! These four large octavos begin with a short fragment concerning himself, drawn up at the age of seventy-seven: and close with a still shorter journal kept by him while Secretary of State, during Washington's administration. The rest consists exclusively of a voluminous correspondence, ranging from 1775, after blood had been spilt at Boston, to June 1826, ten days only before his death, so appropriately fixed for the fiftieth anniversary of American Independence. Their editor has had an easy as well as gratifying task. Jefferson, long after old age had made writing irksome, continued to be not only the oracle of his party, consulted with reverence, but the familiar Nestor of his neighbourhood, to whom every body felt entitled to apply for information or advice. In the selection for the press, either no discretion has been left, or no discernment exercised, except that every letter preserved out of this accumulating correspondence (save here and there one on Education or Literature) is entirely political. His name on the title-page guarantees the superintendence of an editorial sponsor to the work. Beyond that, the existence of such a person is discoverable only by the scattering up and down of occasional asterisks, where the original text would seem to have been more intemperate than was felt decent to submit to the public eye. Enough, in all conscience, of useless and bitter matter is still left. It is, however, a defect of which, on this occasion, we do not feel authorized to complain; since it is more than compensated by the character of contemporary life and authenticity which no less disagreeable expedient could have so naturally preserved.

A collection of this description not only constitutes the best possible authority for future Histories, but remains, in many respects, more effective than it is admitted to the solemn reserve of history to be. On the supposition that history could be as true as Sir Robert Walpole said he knew it to be false, its scheme and style are too uniformly elevated to allow of the variety of familiar circumstances by which alone historical impressions, to be generally useful, must be made. What ought to be a faithful representation of actual nature, becomes a thing dressed up in state, according to certain conventional proprieties. Nothing false need be introduced. It only requires that the unsightliness and discrepancies of real life should be left out. What remains will equally acquire the fatal air, which has ruined so many pictures, of a study or composition. In this manner, one class of histories consists of fine prose dramas; another of excellent philosophical essays, with a few well-assorted facts for pegs to hang

them on. Any historian, who endeavours to recall and place on his own pages a generation which has passed away, can scarcely evade the additional disadvantage of having come into the world too late. Accordingly, the notes culled out of contemporary memoirs are usually turned to by his reader, for more vivid incidents and glimpses of the times than can be hoped for in the delusive and dignified generalizations of the text. What, indeed, can the text be wrought into, in comparison, but an artist's cast—taken from a countenance which life has left, and giving scarce a faint idea of the spirit by which the original was inspired? It is this which will always make a minute Diary, by a sensible and well-informed public man, whilst it is one of the easiest, one of the most successful literary achievements. Meanwhile the world, untaught by past experience, insists upon being edified by the pomp and ceremony of history. As long as this is the case, we are particularly fortunate, whenever contemporary documents like the present afford some security for its originality and truth.

Recent as is the history of the United States, both Adams and Jefferson agree, that the most important materials for its first, and, in some respects, most exciting period, are already replaced by conjectures only. The Secret Journal of the Old Congress has been lately published. But how mere a skeleton it presents! Adams writes to Mr Niles: 'In plain English, and in few words, I consider the true history of the American Revolution, and the establishment of our present constitution, as lost for ever; and nothing but misrepresentations, or partial accounts of it, will ever be recovered.' Jefferson had before communicated to Adams the same opinion. 'On the subject of the American Revolution, you ask, who shall write it? who can write it? and who will ever be able to write it? Nobody: except merely its external facts; all its councils, designs, and discussions having been conducted by Congress with closed doors, and no member, as far as I know, having even made notes of them. These, which are the life and soul of history, must for ever be unknown.' The heads of two short arguments happen to have been taken down by Jefferson himself; one on Independence, and the other upon the mode in which the articles of the Confederation respecting taxes and voting should be arranged. They are remarkable, not only as the only remaining evidence of the ability with which those discussions were conducted; but as proofs how strongly American statesmen laboured from the very first under the two great difficulties, against which they have hitherto struggled on by compromise and evasion, but which they have not advanced a step towards

successfully subduing;—we mean the questions arising out of slavery, and the principle on which the number of votes given to the several states should be apportioned, so as to secure to each its independence.

Botta's History of this period is stated to be the best for detail, precision, and candour; yet, as if the difficulties which must embarrass a foreigner in his searches after the truth were not sufficiently serious, he is reproached by both Jefferson and Adams with having revived that ancient practice of 'putting speeches into mouths which never made them, and fancying motives of action which we never felt.' The published Journal of the Federal Convention which was held at Philadelphia in 1788, for the purpose of framing the present American constitution, and which Jefferson (then at Paris, where a similar object was in vain pursuing) calls 'an assembly of demigods,' is nothing but a mere summary of acts and proceedings. This curtain, however, may probably be yet drawn; for Mr Madison is said to have taken down the whole of every thing that was said and done there, 'with a labour and exactness beyond comprehension.' From an affecting letter written by Jefferson only a few months before his death, under pecuniary difficulties which are a disgrace to the country he had served so faithfully, it is satisfactory to learn, that a more General History is in the same hands. 'It has been a great solace to me to believe that you are engaged in vindicating to posterity the course we have pursued for preserving to them, in all their purity, the blessings of self-government, which we had assisted too in acquiring for them. If ever the earth has beheld a system of administration conducted with a single and steadfast eye to the general interest and happiness of those committed to it—one which, protected by truth, can never know reproach—it is that to which our lives have been devoted. To myself you have been a pillar of support through life. Take care of me when dead, and be assured that I shall leave with you my last affections.'—'Our opponents' (he elsewhere says) 'are far ahead of us in preparations for placing their cause favourably before posterity.' We shall rejoice if Mr Madison's work is such as to deserve the unlimited confidence of all readers, and to relieve them from the painful duty of choosing between conflicting authorities. Party spirit is the epidemic of free communities. It infects their literature as much as it disturbs their society. Unfortunately the *Correspondence* before us is, in too many places, a melancholy example how unconsciously and yet how justly a man of impetuous temperament, in such dangerous scenes, becomes himself chargeable with the very imputations he is pouring upon others. It will be well if

this precedent should act as a warning to his friend, that an ardent love of truth is no security against the credulousness with which the zeal of party can make a noble bosom the general receiving-house of exaggerated mistatements, and dishonourable suspicions.

Biography may be expected to afford a good deal of the information which more general history either is not able, or will not condescend, to give. But the lives of public men, written by friends and relatives, in a country so overrun by political antipathies, are peculiarly exposed to the danger of becoming only party-pamphlets, under the monumental form of pious offerings to the deceased. Franklin and Washington died before the contest between Federalists and Republicans rose to a fierceness in the use of libels as instruments of political warfare, which makes an era in the public press. Their editors, however, have not escaped from the bitterness of the years which followed. Jefferson had a fatal readiness of believing any thing against an English minister or a Federalist. In the case of Mr Temple Franklin, he makes insinuations, and in that of Chief-Justice Marshall, direct charges, of a suppression of the truth, which would be no less inconsistent with honesty and history than the most active invention of immediate untruths.

The insinuation against Franklin's grandson is, that he had sold to the English government a portion of Dr Franklin's Memoirs, which would have established against them views so atrocious, that 'its suppression would be worth to them a great price.' We do not wonder that public curiosity, when defeated by a delay in the general publication which it could not understand, revenged itself in gossiping; especially if the reputation of the executor was not absolutely beyond the reach of such discreditable surmises. But, in fact, the paper referred to forms a prominent part of the Memoirs, as at last published by the grandson. The reader may indeed look in vain for the declaration stated to have been made by Lord North,—that 'a rebel lion was not to be deprecated on the part of Great Britain; that the confiscations it would produce, would provide for many of their friends.' This, we believe, will be the case, simply, because it is our firm opinion that Jefferson's passions have in this instance confused his recollection, and that no such declaration was ever made or stated. Any such sentiment is utterly inconsistent with Lord North's disposition; it is in contradiction with the general character of the messages as reported; and, had any such wicked feeling escaped from the minister, we cannot believe that Lord Howe and his sister, whilst acting the part of generous mediators, would have been guilty of the gra-

tuitous mischief of repeating it. Many things are printed in Franklin's posthumous collection, which, if the English government had begun to buy, common prudence would have included in the purchase. There is some scandal in Jefferson's Journal, about an asylum being secured in England for Hamilton, King, and others. This also we feel safe in disbelieving, from the improbability (were there no other occasion of distrust,) that Sir J. Temple, our Consul-general in the Northern States, would have betrayed his duty to his country, by showing about letters containing communications of so delicate and dangerous a description. That it made out Hamilton to be a traitor, in the interest, and almost the pay of England, is reason enough with Jefferson to retail it, without doubt or examination, at the time, and so to leave it in that revisal for posterity, which he made in the leisure (we cannot say the calmness) of retirement.

Our admiration of Washington is so great, that we felt some disappointment, and expressed it at the time, on seeing how far Chief-Justice Marshall's Life fell short of the monument such a work might raise both to his country and himself. Jefferson's disapprobation is of an entirely different and sterner cast. It is evidently far too violent and inflamed to leave him an impartial witness. He charges it as Botta's greatest fault, that he took too much from the party diatribe of Marshall, 'than which it is more judicious, more chaste, more classical, and more true.' His own *Anas* are expressly stated to be preserved 'for their testimony against the only history of that period which pretends to have been compiled from authentic and unpublished documents.' Time only can show whether the inspiration of party spleen is not more consulted than that of just contemporary criticism, in his further prophecy of the knowledge yet to come. 'What a treasure will be found in General Washington's cabinet, when it shall pass into the hands of as candid a friend to truth as he was himself! When no longer, like Cæsar's notes and memorandums in the hands of Antony, it shall be open to the high-priests of federalism only, and garbled, to say so much, and no more, as suits their views!'

There is still less political information of much value to be gleaned out of the biography of the second-rate politicians of the different quarters of America. If they lived down to the dates of more modern political divisions, yet the sphere in which they moved was too contracted to serve as the ground for any general conclusion. The Life of Patrick Henry, dedicated to the young men of Virginia, is principally intended to set before them models of that eloquence which they consider so exclusive a character of the 'old dominion.' Accordingly, it enters upon

facts little more than as connected with his speeches. Making every allowance for the mutilated state in which these fragments of oratory have been preserved, they fall far short of justifying Jefferson's panegyric, that he spoke as Homer wrote, and was the greatest orator that ever lived. The bulky Memoir of Governor Clinton, and its mass of appended documents, represent a very amiable person of liberal sentiments. But they bring a stranger very little acquainted with America, beyond the obligations that New York owes to his persevering and successful efforts in behalf of canals and education. Elbridge Gerry, though one of the earliest, purest, and most moderate republicans of Massachusetts, was thrown so frequently into the background by the violence of nearly balanced parties, that considerable chasms in public events must appear in any detail of his private life. The survey of the state of Government and Society, which his biographer places alongside the different periods of his course, are in one respect satisfactory, as they seem drawn more in the character of an arbitrator than is the case of most writings of this class.

Virginia almost shares with Massachusetts in the respect with which she is looked to among the States, as the elder sister of the Revolution. The principle of energy, which the northern colonies derived from the nature of their church, founded in the very 'dissidence of dissent,' the people of the south are imagined by Burke to have nourished up, to a still higher and more stubborn spirit, in consequence of being slave-holders. 'Freedom in such a case is not only an enjoyment, but a kind of rank and privilege.' Whilst Adams was a representative more of the sturdy indefatigableness than of the religion of New England; certainly, among the brave spirits of Virginia, none appears to have brought out of the painful contrast placed before them, more of what is manly and liberal, and less of what is haughty and overbearing, than Jefferson himself. He was born April 2, 1743. Disapproving that the honours due to the great birthday of their Republic should be transferred to, or divided with, individuals, he would not permit his family to mention the date of his own birthday whilst he was alive. He inherited from his father a large fortune, which he doubled by a prudent marriage; but shortly before his death, embarrassments reduced him to apply for leave to dispose of the greater part of his property by lottery, in order to prevent its sacrifice at less than a third of its former value, owing to the fall of land. Jefferson, in the paper containing this application, (which, although voted by the Legislature of Virginia, he did not live to see carried into effect)

mentions shortly the principal offices which he had filled, and the price which he had paid for a life passed in the public service. 'I came of age in 1764, and was soon put into the nomination of justices of the county in which I live; and at the first election following, I became one of its representatives in the legislature. I was then sent to the Old Congress; then employed two years with Mr Pendleton and Mr Wythe, on the revisal and reduction to a single code, of the whole body of the British statutes, the Acts of our Assembly, and certain parts of the common law; then elected governor; next to the legislature, and to Congress again; sent to Europe as minister plenipotentiary; appointed secretary of state to the new government; elected vice-president and president; and lastly, a visitor and rector of the University. In these different offices, with scarcely any interval between them, I have been in the public service now sixty-one years; and, during the far greater part of the time, in foreign countries, or in other States. Every one knows how inevitably a Virginia estate goes to ruin, when the owner is so far distant as to be unable to pay attention to it himself; and the more especially, when the line of his employment is of a character to abstract and alienate his mind entirely from the knowledge necessary to good, and even to saving, management.'

Lord Herbert mentions, as a strange coincidence, that Ferdinand received the news of the discovery of America, whilst making his triumphal entry into Grenada. We cannot wonder, therefore, that American patriotism should dwell with something of superstition on the extraordinary fact, that Adams and Jefferson should both have lived to July 4, 1826—to the jubilee anniversary of American independence—and should both, at their remote homes in distant quarters of the Union, have died on that very day. The last words which Adams uttered, after calling it a 'great and good day,' were, 'Jefferson survives;' whilst Jefferson himself seems, in the intervals of delirium by which his last hours were disturbed, to have been carried back to that stirring time. He talked in broken sentences of the Committee of Safety, exclaiming, 'Warn the Committee to be on their guard.' He rose in his bed and wrote a hurried note. The only anxious wish he had expressed for himself had been, that he might live to breathe the air of this memorable day, whose glories were so much his work. Among his papers was found the following inscription, to be placed on a small granite obelisk, in case his country should ever vote a monument to his memory,—'Here lies buried, Thomas Jefferson; Author of the

‘ Declaration of Independence; of the Statutes of Virginia for Religious Freedom; and Father of the University of Virginia.’ Thus marshalling his titles to public remembrance, he evidently meant to teach his countrymen that national independence might be of little value without religious freedom; and that a large and liberal education was the best security for maintaining both. In respect of a monument, it will sound singular to Europeans, that the only one which Congress has yet erected, is to Gerry. An address was voted, begging the body of Washington from his widow. Whether there should be a monument or an equestrian statue, was made a party question; and it was soon found cheaper to raise neither.

In a letter to the Editor of the present work, whom he seeks to animate by his own example, Jefferson informs us of the fortunate accident by which, in good measure, his youthful character was formed. ‘ When I recollect that, at fourteen years of age, the whole care and direction of myself was thrown on myself entirely, without a relation or friend qualified to advise or guide me, and recollect the various sorts of bad company with which I associated from time to time, I am astonished I did not turn off with some of them, and become as worthless to society as they were. I had the good fortune to become acquainted very early with some characters of very high standing, and to feel the incessant wish that I could ever become what they were. Under temptations and difficulties, I would ask myself what would Dr Small, Mr Wythe, Peyton Randolph, do in this situation? What course in it will assure me their approbation? I am certain that this mode of deciding on my conduct, tended more to its correctness, than any reasoning powers I possessed.’ Jefferson, when a law student at Williamsburgh, was present at the debate in the Assembly of Virginia, 1766, on Patrick Henry’s resolutions against the stamp act. Six years before, young Adams had been roused at Boston by the speech of Otis: ‘ I do say, in the most solemn manner, that Mr Otis’s oration against writs of assistance, breathed into this nation the breath of life.’ Jefferson has left his own account of the impression made upon himself, by the pause, the boldness, and admirable address with which the Virginian orator, whose enthusiasm was in advance of the calmer or more temporizing characters which surrounded him, repelled the shouts of treason. Dilating on the tyranny of the obnoxious act, Henry exclaimed, ‘ Cæsar had his Brutus—Charles the First, his Cromwell—and George the Third—(“Treason!” cried the Speaker—“Treason, treason!” echoed from every part of the House. It was one of those trying moments which is decisive of charac-

'ter. Henry faltered not for an instant; but rising to a loftier attitude, and fixing on the Speaker an eye of the most determined fire, he finished his sentence with the firmest emphasis,) —*may profit by their example!* If this be treason, make the most of it.'

Virginia is understood to pride herself on her paramount right to provide the Union with orators as well as presidents. But work was at hand which required to be done, not talked about. Whilst Henry fell into comparative unimportance, Jefferson more than took his place; and succeeded out of nothing but plain sterling qualities, to establish an influence which, won early and honestly, seems in his case to have had the good fortune, unparalleled among his rivals, of increasing to his dying day. A feebleness of organ, and a sensibility which rendered his utterance inarticulate, when the full expression of his thoughts and feelings was most required, disqualified him for public speaking. The public, however, learned enough to confirm the opinion of his more eloquent friend and fellow-labourer. 'Though a silent member,' says J. Adams, 'he was so prompt, frank, explicit, and decisive, upon committees—not even Samuel Adams was more so—that he soon seized my heart.'

From the moment that the obstinacy of the English government left no alternative but war or submission, Jefferson took as the motto to his seal, 'Resistance to tyrants is obedience to God,' and dedicated himself, fearlessly and unreservedly, to his country's cause. This creed was formed, he says, on unsheathing the sword at Lexington. The instructions which, in 1774, he proposed for the Virginia delegates, were 'a leap too long as yet for the mass of the citizens;' but are characteristic of his mind, in the straightforwardness with which he brings out his whole case at the outset, and then pushes his principles to whatever length they can be driven, by the sort of sledge-hammer he uses on most occasions. This document contains the principal facts and arguments that must always exist between a parent state and its colonies. They are the same as would open to-morrow on us and our West India planters, were they in a situation seriously to think of independence. Whilst others admitted the right of the English parliament to legislate for regulation, not revenue, Jefferson and Wythe (his professional master) alone insisted, from the first, that the relation between Great Britain and the colonies was exactly the same as that of England and Scotland after the accession of James, and until the Union; and the same as her present relations with Hanover, having the same political chief, but no other necessary political connexion. When the Declaration of Independence came to be

drawn, the committee gave it up to Jefferson alone, and the alterations made by Adams and Franklin were only verbal. Only two clauses of any consequence were struck out of the original by Congress, from 'the pusillanimous idea of having friends in England worth keeping terms with.' Of these, one was in assertion of the above doctrine; the other, in reprobation of the slave trade, especially that the King of England, 'being determined to keep open a market where men should be bought and sold, had prostituted his negative for prohibiting every legislative attempt to prohibit or to restrain this execrable commerce.'

It is natural that the honour of having been selected to draw up this Magna Charta of their separate and sovereign existence, should have ever afterwards identified Jefferson in the minds of his countrymen with the American constitution. The main task of defending this declaration in immediate debate, fell to the share of Adams. In this glorious partnership, he is described by Jefferson as coming out with 'a power, both of thought and expression, which moved us from our seats.' A very interesting letter, written by Adams to his wife, on the day which intervened between the vote with closed doors and its publication, cannot but have described equally the feeling of both friends. 'Yesterday, the greatest question was decided, that was ever decided among men. A resolution was passed unanimously, "That these United States are, and of right ought to be, free and independent states." The day has passed. The second of July, 1776, will be a memorable epoch in the history of America. I am apt to believe, it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to Almighty God. It ought to be solemnized with pomps, shows, games, sports, guns, bells, bonfires, and illuminations, from one end of the continent to the other, from this time for ever! You will think me transported with enthusiasm, but I am not. I am well aware of the toil, blood, and treasure, it will cost to maintain this declaration, and support and defend these states; yet, through all the gloom, I can see a ray of light and glory. I can see that the end is worth more than all the means; and that posterity will triumph, although you and I may rue—which I hope we shall not.'

It is agreeable to look back and recognise that the only penalty which the patriots had to pay, was their being made public men in their own despite. Nothing, apparently, but the imperative claims of the crisis on which his lot was cast, would have forced Jefferson from his books, in the first instance, or

afterwards induced him to defer to so late a day the repose after which he longed, as the 'Hermit of Monticello.' When Envoy at Paris, his recollections were recalled from his preferences to the attachments of his early life. 'I had rather be shut up in a very modest cottage, with my books, my family, and a few old friends, dining on simple bacon, and letting the world roll on as it liked, than to occupy the most splendid post which any human power can give.' His object, on returning home, was very different from the career which there awaited him. 'You know,' (he writes to Madison,) 'the circumstances which led me from retirement, step by step, and from one nomination to another, up to the present. My object is a return to the same retirement.' On resigning the office of Secretary (1794,) he resumed his resolution. 'As to myself, the subject has been thoroughly weighed and decided upon, and my retirement from office had been meant from all office high or low, without exception. My health is entirely broken down within the last eight months; my age requires that I should place my affairs in a clear state; these are sound, if taken care of, but capable of considerable dangers if longer neglected; and, above all things, the delights I feel in the society of my family, and in the agricultural pursuits in which I am so eagerly engaged. The little spice of ambition which I had in my younger days, has long since evaporated, and I set still less store by a posthumous than a present name.' Notwithstanding all this determination, his alarm that republicanism was endangered by the supposed monarchical policy of the Federalists, kept him at the helm of public affairs till 1809. Writing to M. Dupont de Nemours, among other things, for a couple of pairs of true-bred shepherd's dogs,— 'A valuable possession to a country now beginning to pay great attention to the raising sheep,' he adds— 'Within a few days I retire to my family, my books, and my farms; and, having gained the harbour myself, I shall look on my friends still buffeting the storm, with anxiety, indeed, but not with envy. Never did a prisoner, released from his chains, feel such relief as I shall, on shaking off the shackles of power. Nature intended me for the tranquil pursuits of science, by rendering them my supreme delight. But the enormities of the times in which I have lived, have forced me to take a part in resisting them, and to commit myself on the boisterous ocean of political passions.' The emoluments and patronage of English office, if not struggled for with greater eagerness, seem relinquished with more regret. The few of our statesmen who trust themselves to voluntary retirement, may look with some shade of envy on the account which he gives, a

year afterwards, of his mode of life. It is better than writing Latin verses. 'Now a word as to myself. I am retired to Monticello, where, in the bosom of my family, and surrounded by my books, I enjoy a repose to which I have long been a stranger. My mornings are devoted to correspondence. From breakfast to dinner, I am in my shops, my garden, or on horseback among my farms; from dinner to dark, I give to society and recreation with my neighbours and friends; and from candle-light to early bed-time, I read. My health is perfect, and my strength considerably reinforced by the activity of the course I pursue; perhaps it is as great as usually falls to the lot of near sixty-seven years of age. I talk of ploughs and harrows, seeding and harvesting, with my neighbours, and of politics, too, if they choose, with as little reserve as the rest of my fellow-citizens, and feel, at length, the blessing of being free to say and do what I please, without being responsible for it to any mortal. A part of my occupation, and by no means the least pleasing, is the direction of the studies of such young men as ask it. They place themselves in the neighbouring village, and have the use of my library and counsel, and make a part of my society. In advising the course of their reading, I endeavour to keep their attention fixed on the main objects of all science—the freedom and happiness of man. So that, coming to bear a share in the councils and government of their country, they will ever keep in view the sole objects of all legitimate government.' Two years later, when (thanks to the mediation of Dr Rush) the friendship of early times was revived with Adams, after breaking ground a little upon politics, he exclaims, 'Whither is senile garrulity leading me? Into politics, of which I have taken final leave. I think little of them, and say less. I have given up newspapers in exchange for Tacitus and Thucydides, for Newton and Euclid, and I find myself much the happier. Sometimes, indeed, I look back upon former occurrences, in remembrance of our old friends and fellow-labourers who have fallen before us. Of the signers of the Declaration of Independence, I see now living not more than half a dozen, on your side of the Potomac, and on this side, myself, alone. You and I have been wonderfully spared, and myself with remarkable health, and a considerable activity of body and mind. I am on horseback three or four hours every day; visit three or four times a-year a possession I have ninety miles distant, performing the winter journey on horseback.'

On being courted back to the public councils, he had the satisfaction of feeling, that he had surmounted the difficult

point of knowing when to retire. 'I profess so much of the Roman principle, as to deem it honourable for the general of yesterday to act as a corporal to-day, if his services can be useful to his country; holding that to be false pride, which postpones the public good to any private or personal considerations. But I am past service. The hand of age is upon me. The decay of bodily faculties apprises me that those of the mind cannot be unimpaired, had I not still better proofs. Every year counts my increased debility, and departing faculties keep the score. The last year it was the sight, this it is the hearing, the next something else will be going, until all is gone. Of all this I was sensible before I left Washington, and probably my fellow-labourers saw it before I did. The decay of memory was obvious: it is now become distressing. But the mind, too, is weakened. When I was young, mathematics was the passion of my life. The same passion has returned upon me, but with unequal powers.'

Whilst Adams kept, to the last, his industry in epistolary correspondence, Jefferson would gladly have pushed aside his writing-table for his books—that comfort, without which, so great a part of life would not be worth having. 'In place of this has come on a canine appetite for reading. And I indulged it, because I see in it a relief against the *tædium senectutis*,—a lamp to lighten my path through the dreary wilderness of time before me, whose bourne I see not. Losing daily all interest in the things around us, something else is necessary to fill the void. With me, it is reading, which occupies the mind without the labour of producing ideas from my own stock.' People who wish for long life, and for the means of reconciling it with duties and amusements of opposite descriptions, may see (vol. iv. p. 231) the method by which Jefferson had contrived to solve this problem.

The exclusion of all familiar letters out of the present collection is not so complete, but that glimpses are let in by which we see that Jefferson took into private life the same energy of character, which was so remarkable in his public conduct. Nobody felt more strongly, how firm a link the *idem velle et sentire de republicâ* adds to the chain of personal affections, however dear. Few of his youthful friends had stood by him in his political contentions: but the alienation of the rest was in part made up by the consistent friendship and cordial co-operation of Madison and Munro, to whom he frequently refers as the two pillars of his life. The interior of his home and family are kept sacred from the sight of strangers; but the incidental notice of his own misfortunes in a single sentence of sympathy to

Adams, is evidence enough that it had been neither cold nor silent. 'Tried myself in the school of affliction, by the loss of every form of connexion which can rive the human heart, I know well, and feel, what you have lost, what you have suffered, are suffering, and have yet to endure. The same trials have taught me, that for ills so innumerable, time and silence are the only medicine. I will not, therefore, by useless condolences, open afresh the sluices of your grief; nor, although mingling sincerely my tears with yours, will I say a word more where words are vain, but that it is of some comfort to us both, that the term is not very distant at which we are to deposit in the same cerement, our sorrows and suffering bodies, and to ascend in essence to an ecstatic meeting with the friends we have loved and lost, and whom we shall still love, and never lose again.'

Jefferson's understanding and character were of a plain, bold, and practical cast—full of activity and strength. But neither in his politics, science, or literature, do we see any sign of genius or depth. His speculations are chiefly interesting from our curiosity to learn the opinions of so celebrated a person. There is scarce a tincture visible from first to last, among all his multifarious disquisitions, of real philosophical sagacity, inventive observation, or refinement of taste. Independent and incorruptible himself, he was proud of the virtue of the party with which he acted, and confident in his belief that the popular will, whilst unvitiated by the perverse laws and corrupt habits of communities where commerce and distinction of orders had prevailed, might be trusted as the sole principle of government. This personal uprightness, and this confiding reliance in the trustworthiness of human nature, under such circumstances, at least, as the population of the United States is placed in, are in singular contrast with the boundless suspicions he is always brooding over in the case of his federal opponents, and the sweeping denunciations which he promulgates against the privileged classes of Europe.

We have seen that he was constantly pining after what he felt to be his true vocation. The interest which attends the literary pursuits and opinions of men eminent in the practical part of life, has led us to look attentively for the traces of them scattered up and down these volumes. They show him to have been so plainly destined for an enterprising scholar, rather than a master, that we cannot count him as one of the sacrifices which, in free countries, the sciences are always offering up at the altar of patriotism or ambition. The *Notes on Virginia* (his only professed work) were originally written as answers to some ques-

tions put to him by a foreigner. A French translation of some private copies having appeared, their publication in 1787 became scarcely a matter of choice. They contain a great deal of useful knowledge, told very agreeably. But the most striking thing about them, is the evidence which they give of some secret force of character behind, by producing an effect out of all proportion either with the real importance of the subject, or any apparent superiority in the author. There is a weightiness, certainly, always in good sense, when it is at once earnest and unpretending. But sincerity and moral courage are imposing auxiliaries; and these great characteristics of his mind were not more strongly exhibited in after life, than in the directness with which he here tells the Virginians what he thinks the truth, on such irritable questions as slavery and their own defective constitution, however unpalatable the truths might be.

Jefferson, as the friend of La Fayette, and the representative of a country whose revolutionary precedent was regarded as so perfect a model, that its authority was 'treated like that of the Bible, open to explanation, but not to question,' had extraordinary opportunities, whilst at Paris, of ascertaining the course which the French Revolution was about to take. His opinions, however, rose and fell with the events of the day; and though he made all proper allowances for 'three ages without national 'morality,' and thought that the generation of Frenchmen who began that bold experiment were not sufficiently virtuous and enlightened themselves to reap the fruits of it, yet he left France, satisfied that all would end happily in a year. His criticisms in philosophy frequently evince as little foresight and comprehensiveness as his most sanguine political anticipations. He informs us of an Abbé at Paris, in 1788, who had shaken, if not destroyed, the received theory for explaining the phenomenon of the rainbow. He considers the merit of Herschell to be confined to that of being a good optician only. He had not the prejudice of Buffon to speak of chemistry as a kind of cookery, and to put the laboratory on a footing with the kitchen; but he censures Lavoisier's attempt at introducing a systematic nomenclature, as probably an age too soon, and as calculated to retard the progress of science by a jargon, in which the reformation of this year must be again reformed the next. Not being fond of merely abstract reading, it is not singular that he should, apparently, have had no fixed opinions on the metaphysics of morals: since they are important only as a matter of abstract reasoning; for nature, fortunately, has taken care that a difference in our premises here makes no difference in our conclusion. In one place it is said, that 'morals are too

‘ essential to the happiness of man, to be risked on the uncertain combinations of the head. She laid their foundation, therefore, in sentiment, not in science. For one man of science, there are thousands who are not. What would have become of them ? The moral sense is as much a part of a man as his leg or arm. State a moral case to a ploughman and a professor,’ &c. Afterwards, thanking Dr Price for a copy of his book, he agrees, ‘ we may well admit morality to be the child of the understanding, rather than of the senses, when we observe that it becomes dear to us as the latter weaken, and as the former grows stronger by time and experience, till the hour arrives in which all other objects lose their value.’ At a later period, he returns to the belief, that a moral sense is as much a part of our constitution as the sense of seeing. Our English moralists will be more surprised at the standard work on this subject, which, when writing to his ward, he puts at the head of the good books that are to encourage and direct his feelings. ‘ The writings of Sterne, particularly, form the best course of morality that ever was written.’

Jefferson was American to the back-bone. A boiling temperament would make him naturally ‘ a good hater ;’ but a love of his country, and what he supposed to be her interests, steadily guided him in choosing the objects of his antipathy. His general thirst for knowledge was under the influence of the same passion, and mainly directed to those sources which were likely to satisfy not only his curiosity, but his patriotic feelings. His investigations into Climate conclude with a preference of that of America (principally on account of its greater clearness) over that of the parts of Europe with which he was acquainted. His reasonable denial of the theory, by which Raynal supposes that Europeans migrating to America must degenerate, leads him to question also the fact, as copied by De Pauw and Robertson from Ulloa, of the inferiority of the native Indians; and to doubt, as an unwarrantable assumption, the excess of moisture, to which Buffon had attributed this result. Jefferson had collected, at one time, fifty vocabularies of the aboriginal tribes within his reach, extending to about two hundred and fifty words. Of these, about seventy-three words were common to the Asiatic lists of one hundred and thirty words, as formed by Pallas. A comparison of languages seems the only chance of furnishing something like a key among the hundred theories concerning the origin of the Indian tribes. But there was also a stimulating encouragement in the suspicion Jefferson entertained, that farther investigations would show a greater number of radical

languages among the nations of America, than among those of the other hemisphere. It will be poor consolation to the melancholy remnants, gradually driven towards the western side of the Mississippi, to learn that they come, if of a poor family, yet of an ancient house. On another question, the right of the Anglo-Americans to invent new words towards recruiting the English language, we readily admit their title to be quite equal to our own. As yet, however, no proof of their 'process of sound 'euologisation' has reached us, by which we can recognise that any progress has 'been made towards furnishing, after the Ionians, a second example of a colonial dialect improving on its 'primitive.' The following burst of philological admiration represents so little our own opinion of the two languages which it compares, that we must look elsewhere for a judge on the successfulness of any such experiment. 'What a language 'has the French become since the date of their Revolution, by 'the free introduction of new words! The most copious and 'eloquent in the living world, and equal to the Greek, had not 'that been regularly modifiable almost *ad infinitum*.' In case the malignant saying, that their Adam and Eve came out of Newgate, should be assumed by any body as a fact explanatory of any supposed peculiarity in their national character or speech, the proportion of the people to whom this disreputable pedigree can apply, is mentioned as far too small to have left any trace. Two thousand are stated to be the whole number of malefactors sent out; and four thousand to be more than they and their descendants at the declaration of independence.

Nobody was ever more aware than Jefferson of the difficulty of maintaining a republican form of government under any circumstances, and of the impossibility of doing so, except under the most favourable. The singular disposition of men to quarrel and divide into parties, after the experience of America, in 'the 'Committee of States,' and the example of the Directory of France, he considered to be an element in human nature, fatal to the existence of any executive consisting of a plurality. It was on the first of these occasions, that Franklin, illustrating his opinion, as usual, under an apologue, told him the story of the two men, left in charge of Eddystone Lighthouse for the winter, who were found not on speaking terms with each other in the spring. A community of Tories would still find cause of contention; but the seeds of schism exist still more positively in the fact, that 'the parties of Whig and Tory are those of nature. 'They exist in all countries, whether called by these names or 'by those of Aristocrats and Democrats,—*Côté droite* and *Côté*

'gauche,—Ultras and Radicals,—Serviles and Liberals. The sickly, weakly, timid man, fears the people, and is a Tory by nature. The healthy, strong, and bold, cherishes them, and is a Whig by nature.' The distinction thus stated, imposes upon the most ardent enthusiasts for freedom, the necessity of enquiring in each case what is the character of the people, and how far it can be trusted with the reins. Much will depend, in the first instance, on our general view of human nature, and on the probability of its approaching any greater degree of perfection than it has hitherto attained. Jefferson, speaking of Washington, says, 'He has often declared to me, that he considered our new constitution as an experiment on the practicability of republican government, and with what dose of liberty man could be trusted for his own good; that he was determined the experiment should have a fair trial; and he would lose the last drop of his blood in support of it. I do not believe that he had not a firm confidence in the durability of our government. He was naturally distrustful of men, and inclined to gloomy apprehensions; and I was ever persuaded, that a belief that we must at length end in something like a British Constitution, had some weight in his adoption of the ceremonies of levees, &c., calculated to prepare us for a change which he believed possible; and to let it come on with as little shock as might be to the public mind.' According to Jefferson, Washington had less confidence in the capability of man for political self-government than Jefferson had himself—Adams less than Washington—and Hamilton less than Adams. These were the shades of difference, which the fury of party deepened, from time to time, into the darkest contrasts under the most odious suspicions. Jefferson's own confidence, indeed, is in man only as he is found in America, and there only for a season. Agricultural habits and education are laid down as the two indispensable conditions. In his own, as in other countries, the question is, not what we wish, but what is practicable. Of South America, its independence being achieved, he puts, as the next question, 'and a very serious one, What will then become of them? Ignorance and bigotry, like other insanities, are incapable of self-government. I do believe it would be better for them to obtain freedom by degrees only.' He afterwards prescribes certain things as a good beginning, particularly Trial by Jury,—'as the school in which their people might begin to learn the exercise of civil duties as well as rights.' Mr Bentham will probably smile to find him praising Jury Trial as the firmest bulwark of English liberty. 'Were I called upon to decide whether the people had best be omitted in the legislative or judiciary department, I

‘would say, It is better to leave them out of the legislative. The execution of the laws is more important than the making them.’ In a letter to Paine, 1789, he expresses his apprehension, that a majority of the States-General cannot be induced to adopt this form of trial,—‘the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution.’ At this period he considered the French to be unprepared even for the protection of the Habeas Corpus act; and gave a curious specimen of his good faith by excepting the nobles out of a clause for the security of personal liberty, inserted by him in a charter of rights, which he then sketched out for the consideration of the patriots. Long afterwards he quoted to Madame de Stael the constitution of 1789, as sufficient for liberty and prosperity, ‘if wisdom could but have stayed at that point the fervid but imprudent zeal of men who did not know the character of their own countrymen.’ Reminding La Fayette of their discussions at that day, he admits that the people proved equal to the constitution of 1791; and fixes as the fatal error of the republicans (closet politicians merely, unpractised in the knowledge of men) their separation from the constitutionalists, under the idea that more could be obtained and borne. ‘They did not weigh the hazards of a transition from one form of government to another; the value of what they had already rescued from those hazards, and might hold in security if they pleased; nor the imprudence of giving up the certainty of such a degree of liberty, under a limited monarchy, for the uncertainty of a little more under the form of a republic. Whether the state of society in Europe can bear a republican government, I doubted, you know, when with you, and I do now. It is some comfort that we are advancing quicker than he once expected. In 1786, he found in France oppression of body and mind, in every form, so firmly settled in the mass of the people, that their redemption from them could never be hoped. If all the sovereigns of Europe were to set themselves to work to emancipate the minds of their subjects from their present ignorance and prejudices, and that as zealously as they now endeavour the contrary, a thousand years would not place them on that high ground on which our common people are now setting out. The people of England, I think, are less oppressed than here. But it needs but half an eye to see, what among them, that the foundation is laid in their dispositions for the establishment of a despotism.’ In 1823, agreeing with Adams on the difficulties of a revolution from despotism to freedom, and that the generation which commences one is rarely competent to complete it, he acknowledges that the Pres

prevents our condition from being desperate. 'A light has dawned on the middling classes only of the men in Europe ; the kings and the rabble, of equal ignorance, have not yet received its rays.' Cicero's Letters, it appears, suggested to him a very different image from the poetical one of Brutus, rising effulgent from the godlike stroke, and bidding the father of his country hail. 'Steeped in corruption as the whole nation was, what could even Cicero, Cato, Brutus, have done, had it been referred to them to establish a good government for their country ? They had no ideas of government themselves, but of their degenerate Senate ; nor the people of liberty, but of the factious opposition of their Tribunes. I confess I can neither see how this enigma can be solved, nor how farther shown why it has been the fate of that delightful country never to have known to this day, and through a course of five and twenty hundred years, the history of which we possess, one single day of free and rational government.' The treatises on government left us by antiquity, are not of a kind to have made much impression on the mind of Jefferson ; not even Cicero's *De Republicâ*, had it travelled to Monticello. He would find there no provision for what he considers the two great objects of a constitution—first, that of preventing the ascendancy of an artificial aristocracy, grounded on wealth and birth ; next, that of securing in its public offices, for the instruction, the trusts, and government of society, a pure selection from among nature's most precious gifts, the natural aristocracy of talent and of virtue. It will be much easier to protect a community from being loaded with misery by kings, priests, and nobles,—'which descriptions of men are an abandoned confederacy against the happiness of the people,'—than to prescribe a successful arrangement for the latter equally important purpose. Jefferson declares that the scurrility of their Press is alone sufficient to drive the best men, whose sensibilities are stronger than their confidence in public justice, from aspiring to exalted stations. 'I may say, from intimate knowledge, that we should have lost the services of the greatest character of our country, had he been assailed with the degree of licentiousness now practised. The torture he felt under rare and slight attacks, proved that, under those of which the federal bands have shown themselves capable, he would have thrown up the helm in a burst of indignation.' The *Republic* of Plato was to Jefferson the heaviest task-work of any reading he ever undertook. He concluded it by congratulating mankind, that 'Platonic republicanism had not obtained the same favour as Platonic Christianity :' since it could have had no other conse-

quence than that we should be now all living, men women and children, pell-mell together, like beasts in the forest.

An exaggerated passion for independence, seems at times to pervert the correctness of Jefferson's judgment on points connected with our physical and moral constitution, as well as with the principles of society. Not satisfied with telling his young pupil, that a gun, and not a book, ought to be the constant companion of his walks, he proceeds to question the good sense of the Europeans, in valuing themselves upon having subdued the horse to the uses of man. 'I doubt whether we have not lost more than we have gained by the use of this animal. No one has occasioned so much the degeneracy of the human body. An Indian goes on foot nearly as far in a day for a long journey, as an enfeebled white does on his horse, and he will tire the best horses.' Our substitution of positive institutions for individual intelligence and force, collected in a gipsy state seems to have produced an equally pernicious effect on our characters. 'I am convinced that those societies (as the Indians) which live without government, enjoy in their general mass an infinitely greater degree of happiness than those who live under the European governments. Among the former, public opinion is in the place of law, and restrains as powerfully as laws ever did anywhere. Among the latter, under the pretence of governing, they have divided their nation into classes, wolves and sheep.' In another place, describing to Madison in strong terms the curse of existence under every government except that of America, and, in some slight degree, except under that of England, he goes so far as to declare, that it is a problem not clear in his mind that the condition of the Indians, without any government, is not yet the best of all. This sort of language much more resembles the fanaticism of some fulminator of paradoxes like Rousseau, than the gravity of a statesman, to whose discretion the interests of a civilized community might be safely left.

The commentary on Montesquieu by Destutt Tracy, 'unquestionably the ablest living writer on abstract subjects,' appears to be his favourite work on the principles of government. It is called 'the most precious gift the present age has received.' Taylor's Enquiry, in opposition to Adams' Defence, represents the theory of the constitution of America, as understood by the dominant party at the present day; whilst Hume's History, as republicanised by Baxter, is referred to for the free principles of the English constitution. This latter work seems to have been printed in England, where it is said 'not to be popular, because it is republican.' Popularity or unpopularity can hardly be predicated of a work, of whose existence

the most omnigenous readers among our acquaintance have never heard. Brought up in the neighbourhood of indigenous Indians, and living at head-quarters during two revolutions, Jefferson had splendid opportunities for the examination and discussion of first principles. After complaining that there is no good work on the organization of society into civil government, he quotes the well-known condition of the Tribes, and especially the present example of the Cherokees, as conclusive against the patriarchal hypothesis. His expectations in 1789, were apparently turned not merely to the establishment of a national government in France, but to the discovery of new truths in politics. These truths were to be such as would rouse Americans even 'from the errors in which they had been hitherto rocked;' but were scarce likely to benefit an Englishman, as they are pronounced to be reasonable beyond his reach, 'who, slumbering under a kind of half reformation in politics and in religion, is not excited by any thing he feels or sees to question the remains of prejudice!' We cannot compliment him on what appears to be the only discovery, in the class of new truths, he has thought worth preserving. It is a proof, which, in his horror of the corrupting consequences of a national debt, he volunteers against any possible right in one generation of men to bind another. This doctrine was so great a favourite with its author, that he sent it to Madison all the way from Paris, and at the lapse of a quarter of a century is seen urging it with undiminished earnestness, on the head of the Committee of Finance. Though, like some other natural rights, it has not yet entered into any declaration of them, it is said to be no less a law. Had we a shilling in the American funds, we should feel not over and above easy when the honest and vigorous understanding of the ex-President could be duped by such strange sophistry; especially, since his school is zealous in preaching the necessity of declarations of natural rights, strenuous for re-setting the law of nations upon true principles, and resolved to establish their theories by force, the year they are strong enough to do so.

It has been our object, by a reference to opinions upon general subjects, with which most readers might be supposed to take more or less interest, to give some idea of Jefferson himself. We perceive that we have said nothing of his views on religion, and his sanguine 'trust that there is not a *young man* now living 'in the United States, who will not die a Unitarian.' Our extracts, too, will give a very feeble notion of the fierceness of his thoughts and language concerning a hundred things, as well as persons, on which his blood seems to have never cooled. The

rage which breaks out on occasion of the honorary institution of the Cincinnati, and the arbitrary distinctions of Europe, is often like insanity. The Throne of Heaven should be besieged with eternal prayers 'to extirpate from creation that class of 'human lions, tigers, and mammoths, called Kings;' among whom, 'there is not a crowned head in Europe, whose talents 'or merits would entitle him to be elected a vestry man, by the 'people of any parish in America.' George the Third is 'maniac George.' Louis the Sixteenth 'goes for nothing. He 'hunts one-half the day, is drunk the other, and signs whatever he is bid.' It ought to be acknowledged, that in the case of Louis the Sixteenth, as in that of Washington, it requires more ingenuity than we are master of, to reconcile the contradictions which wait upon the writer's spleen. Within a twelve-month, the King of France 'is the honestest man in his kingdom, the most regular and economical.' A clergy is said to live like printers, 'by the zeal they can kindle and the schisms 'they can create. The mild and simple principles of the Christian philosophy would produce too much calm, too much regularity of good, to extract from its disciples a support for a 'numerous priesthood, were they not to sophisticate it, ramify 'it, split it into hairs, and twist its texts, till they cover the 'divine morality of its author with mysteries, and require a 'priesthood to explain them. The Quakers seem to have discovered this. They have no priests, therefore no schisms.'

It is as an American citizen that Jefferson earned and deserves his fame. We have not space to enter, except very briefly, on the honourable detail of his public life. As a Virginian legislator, himself a slave-owner, he there set the example of an effort (unfortunately for his countrymen, an unsuccessful one) for permission to emancipate their slaves. Again, himself a lawyer, aided only by his two friends Wythe and Pendleton, he completed, and reported to the General Assembly, in eighteen months, the extensive improvements both in the principle and the form of their laws, which their new circumstances required. The extravagant compliments with which our own little attempts at consolidation of some chapters in criminal law have been overlaid, and the fatted calf which Sir Robert Peel kills thereupon regularly every session to his own glory, are things which must make our legislative wisdom reasonably suspected among the Americans. They know what they have themselves done in the self-same matter, and can therefore estimate our vaunting and our astonishment at its true value. In a few months, and in this single work, the three colleagues 'brought so much of the common law as it was thought necessary to alter—all the British

‘statutes from *Magna Charta* to the present day, and all the laws of Virginia from the establishment of their legislature in 4 Jas. I. to the present time, which they thought should be retained—within the compass of one hundred and twenty-six bills, making a printed folio of ninety pages only.’ Nearly a volume and a half of the present Correspondence, and a considerable portion of his Memoir, relate to the remarkable period from 1785 to 1790, which Jefferson passed as the American minister at Paris. His watchfulness over every subject which might bear on the most favourable arrangement of their new commercial treaties; his perseverance in seeking to negotiate a general alliance against Algiers; the skill and knowledge with which he argued the different questions of national interest that arose during his residence, will not suffer even in comparison with Franklin’s diplomatic talents. Every thing he sees seems to suggest to him the question, Whether it can be made useful in America? Could we compare a twelvemonth’s letters from our Ambassadors’ bags at Paris, Florence, or elsewhere, we should see whether our enormous diplomatic salaries are any thing else than very successful measures for securing our business being ill and idly done. Jefferson’s history, after he returned home, whether as Foreign Secretary to Washington,—as Vice-President under Adams,—or as President, putting the vessel of the state on her Republican tack, is, in other words, the history of America during the several periods.

‘All that should accompany old age’ afterwards followed him in his retirement to Monticello, and dignified his slow-declining years. The din and dangers of American politics must, from time to time, have occasionally disturbed a mind, although less anxious, less patriotic, and less personally pledged, than that of Jefferson. But the great question of Public Education was the only one on which he reserved to himself, as it were the right, as long as he breathed, practically to engage and lead. As early as 1779, he had proposed a systematical plan of general education for Virginia, and accordingly had prepared three bills, with three distinct grades of instruction. The first consisted of elementary schools, and comprehended all children, rich and poor. The second, colleges for a middle degree of learning, calculated for such purposes of common life as would be desirable to all persons in easy circumstances. The last was a finishing university, for teaching the highest degree of knowledge that a place of mere education can profess to teach. Of these, the elementary bill had alone passed, and that not until 1796. As the expense of the schools was to be borne by a general rate in every county, it appears that the bill had been en-

forced in none. Jefferson says, in 1822, that if a single boy had received the elements of common education in them, it was in some part of the country not known to him. In respect of a higher scale of education, he complains to Adams that the 'post-revolutionary youth were born under happier stars' than they had been; acquiring all learning in their mother's womb, and treating all knowledge which was not innate, with contempt, or at least neglect. The University of Virginia, mainly established by the energy of this indefatigable octogenarian, will, we trust, save them from 'the degradation of becoming the Barbary of the Union, and of falling into the ranks of their own negroes.' The account of its early difficulties is strikingly like those of the London University; only the insubordination to which Jefferson looked with dismay, as to breakers ahead, was the insubordination of students, not professors. Premature ideas of independence, too little repressed by parents, are stated to be the great obstacle of science, and the principal cause of its decay, since the revolution. It is gratifying to see, by a letter written only six months before his death, that, delighted with the professors procured from England, and with the intelligence and industry of the youths assembled for instruction, the spirited old patriot descended into his grave with anticipations of a glorious future, which he could not live to see. 'The majority of the rulers of our state educated here, will exhibit their country in a degree of sound respectability it has never known, either in our days or those of our forefathers.' Jefferson, for fifty years, continued uniformly to insist that general instruction was indispensable to the maintenance of their government as a republic. He died in the farther faith, that education at home, that is, that the education of the southern youth in the southern States, is equally necessary, if the States are to remain sovereign and independent. The crack, down to its very centre, which the line of geographical division has run across the Union, may be imagined from the alarm with which he describes the fact, that five hundred of their sons were educating in the northern seminaries, as 'a canker eating on the vitals of their existence.' Washington, in his will, recommends the endowment of a university in Virginia, as a protection against the necessity of passing so important a period of life in Europe. Little could he foresee that the fortune of his country would imperatively demand a domestic institution, on the ground of a greater hostility in principle and position, in Connecticut and New York. 'The reflections that the boys of this age are to be the men of the next; that they should be prepared to receive the holy charge which we are cherishing to deliver over to them; that, in es-

‘tablishing an institution of wisdom for them, we secure it to all our future generations; that, in fulfilling this duty, we bring home to our own bosoms the sweet consolation of seeing our sons rising under a luminous tuition to destinies of high promise; these are considerations which will occur to all; but all, I fear, do not see the speck in our horizon which is to burst on us, as a tornado, sooner or later.’

Our course of miscellaneous observations may have served to bring before the reader more distinctly the individual character and merits of this distinguished statesman. But space is not remaining for a single sentence on what we stated at the beginning to be the most important part of the present volumes. The historian and politician will here find invaluable materials upon nearly all the controverted points of the domestic and foreign policy of the United States, from the day of their existence as an independent government. The conclusion of our private judgment considerably inclines against some of the propositions maintained by Jefferson: yet, as a party equally honest and well-informed, he will be a necessary witness, whenever we survey the successive constitutional questions which have so furiously divided parties in America. Between the opposite hazards pressing in on either side, the nation has made its choice—a choice certainly of spirit, perhaps of wisdom. For, in case the alternative dependent on a farther consolidation of the powers of the general government be at all correctly assumed throughout this correspondence, it is impossible to say, under any circumstances of intermediate dissension and ultimate separation, that the painful alternative, thus taken and endured, was not yet the best. The foreign policy of the United States is to us a point of more immediate, as, indeed, it some day must become a point of incalculable, importance. It involves bold innovations on the principles and practice of the Law of Nations, as hitherto understood and established. Some of these innovations appear to be improvements for the interest of humanity; others, to be only encroachments and pretexts for the interest of America. In the meantime, it is evident that, as against Europe, and especially as against England, there exists no difference of opinion in their determination to dictate the novelties of their diplomacy at the cannon’s mouth. Jefferson was mistaken in his date; but his declaration is the motto of federalists and republicans alike, and is applied to all matters relating to the continent and the islands of America, as much as to the universal sea. ‘The day is within my time as well as yours, when we may say by what laws other nations shall treat us on the sea; and we will say it.’ The authority of mere precedent on one side, and this intractable-

ness of insolent passion on the other, can never meet. What a debt would the world owe to those statesmen in both countries, who, whilst her calm and deliberate voice might be yet listened to, would close these fatal questions on the just principles of Reason !

ART. X.—*Library of Useful Knowledge. Farmer's Series. Treatise Seventh. The Farm.* 8vo. London: 1830.

WE shall not on the present occasion enter at large into the recent proceedings of the Society, as it is our intention to devote a yearly article to the regular report of its important labours. But there is an urgent call upon us to take notice of the treatise of which the title stands at the head of this article. The Farmer's Series has been begun above half a year, and six very valuable treatises have already appeared upon the Horse, treating of that animal in every way most useful to the agriculturist; but at the same time mingling with it the physiology, and the natural history of the horse, and conveying a great body of scientific information; thus accomplishing the main object of this series—the attracting, to literary relaxation and the acquirement of knowledge, those who have, we fear, not unjustly, been called the ‘*unreading* part of the community,’ country people. Another subject is handled in the seventh treatise of this series; it consists of a systematic account of a farm in Hampshire, and gives the whole information touching its management, and touching all that can interest a farmer. This mode of teaching agriculture and of communicating generally the result of one man's experience, is new, and appears to us a very important improvement.

In the first place, without the least of that form of theory and system so repulsive to ignorant and especially to practical folks, these treatises will in truth communicate instruction upon every branch of agriculture. The reader will not have read chapters and sections; he will not have followed formal deductions of principles, or pored over classifications of things; but he will have seen all the topics which can ever become interesting to any farmer handled in succession, and all handled in their direct connexion with the cultivation of the soil.

In the next place, every thing will be most strictly practical. For no matter can be discussed which has not either been tried and succeeded, or been rejected from having actually failed; unless that those things immediately connected with the farm-

ing operations really carried on will be handled in that connexion. The whole work will be experimental.

Thirdly, Whatever has been really tried in any one part of the country, will be recorded, with the result of the experiment, for the benefit of all other parts of the country. In agriculture, this is a thing of unspeakable importance; for in no branch of science or of art are so many experiments made, and so many facts observed, which for want of such a record, are wholly and for ever lost; and in none is more time required to make experiments; half a lifetime hardly sufficing for the trial of a single thing in all its forms and varieties.

Lastly, These treatises will afford a new and most valuable body of statistical information. There is nothing like it in any country. For the agricultural reports and surveys, although very useful, deal too much in generals, and are rather treatises and dissertations, than details of particular facts in individual cases. This work will give the results of men's actual experience on all that concerns agriculture in every part of the country.

There are subjects of a political rather than agricultural kind, which must needs mix themselves up with these enquiries and details; and the information gathered upon them cannot fail to prove highly curious and interesting. Thus—to take but an instance or two—all that relates to the operation of the poor laws, and the habits of the labouring classes, will form most important chapters, which we hope to see well and carefully filled; for they will embody the evidence of experiment upon some of the most weighty matters of the law.

But in order that this series should be made as complete as possible, and as useful, it is fit to have contributions from the various parts of the country as speedily as may be. We trust, therefore, that the Society may take its measures for securing such co-operation as will enable it to expedite the publication. If *The Farm* only appears in the ordinary course of publication, the time required for completing it will be quite indefinite.

The Farmer's Series, to which it belongs, comes out once a-month only, and in that series *The Farm* can only be expected to occupy a small proportion—probably not more than two numbers in a year. The whole can hardly be completed in less than 100 treatises—for that would allow little more than two to a county—perhaps four is nearer the mark—and this allowance makes the whole two hundred, and the time taken to finish the work a century. It is plain, then, that the Society, in order to secure the important purposes of this work, must publish at least twelve of *The Farm* in a year. Nor can there be any dif-

ficulty in doing so. There is no district in either kingdom where able men may not be found to furnish all the materials. The Hampshire treatise now before us affords a most admirable model to work by. It would, indeed, be vain to expect such writers in every corner of the island; vain, perhaps, to look for one or two such anywhere. It is designed with admirable judgment, and the execution is as perfect as the plan. But others, very inferior, may work to the plan and the sample thus provided; and where a man has the facts from his own experience, and feels diffident as to his powers of composition, he may easily give all his information to others who can, by following the method now published, prepare the account required. There could be a set of questions framed from this treatise, and sent to every part of the country with the treatise itself; and out of the materials obtained by the answers, the requisite accounts could be drawn up. The earlier Reports of the Society stated that some of the treatises were written by means of such a division of labour; and there is no branch of art or science to which it is likely to be found more beneficial in its application than agriculture, whose votaries are rarely gifted with great powers of either generalizing or writing.

This preparation may easily be going on in different parts of the kingdom at the same time, and we should think the funds of the Society must suffice for any extra cost so incurred. The late Report to the annual meeting, among other cheering statements of the Society's successful progress in its great design, mentions the extensive sale of the Farmer's Series. It is understood to have already reached ten thousand; and, every thing considered, it is perhaps the most extraordinary of all the sales; for though more of the Maps are sold, their excessive cheapness, as well as their adaptation to the most universal class of readers, will account for a very large demand; and the Entertaining Library, from similar causes, may well have reached the impression of near thirty thousand; while farmers are by no means either a class given to buying books of any kind, or to rate low the value of even small sums of money. The profits upon such sales, even at extremely low prices, must be such as will enable the Society to command ample aid, both from practical and literary men, for hastening the completion of the important Series to which we are referring; and we are very sure that to no purpose can its funds be more beneficially devoted.

ART. XI.—*Researches into the Origin and Affinity of the Principal Languages of Asia and Europe.* By Lieutenant-Colonel VANS KENNEDY, of the Bombay Military Establishment. 4to. London: 1828.

UNTIL the time when the publication of Eichorn's celebrated edition of the New Testament gave a new impulse and direction to theological enquiries, the whole tribe of expositors, commentators, and writers on the evidences of Christianity, had been successively labouring to explain and reconcile the *differences* observable in the four distinct narratives of the same series of transactions and events contained in the Gospels. But anterior to the appearance of the remarkable work alluded to, it seems never to have occurred to any one of the number, that it was necessary to account for the *resemblances*, as well as the differences, and to show in what way, or upon what principle, four independent writers, composing their narratives without concert, at considerable intervals of time, as well as distance of place, came to coincide so marvellously, both in point of expression and of statement. One side only of the case was looked at, one set of objections alone was encountered, while the main difficulty, the chief stumblingblock, was left in the way, and kept altogether out of view.

Comparatively speaking, it was an easy matter to account for differences, or even discrepancies, in the reports of four men, who drew up their several narratives of the events which they wished to record, without communication and without collusion: indeed these were to a certain extent inevitable, and, so far from invalidating their testimony, or lessening the credit due to their statements, were rather calculated to strengthen the one and to enhance the other. But it by no means admits of so ready explanation how persons, situated as we have described, should so frequently agree, *au pied de la lettre*, both in their language and in the order and collocation of their narratives,—and how such a striking similarity should be observable in many things, where, from varieties of character, apprehension, observation, and memory, as well as from distance of time and place, differences might naturally have been expected. In these coincidences, however, the prime difficulty as to the credibility of the various statements and narratives in question evidently consists; and it must be obvious to every one that, until the resemblances are as satisfactorily accounted for as the differences, no safe conclusion can be drawn respecting the validity of their claims to be received as inspired writings. The

case submitted to our judgment embraces both points ; and it is clear that no rational claim can be made upon our belief while one of these only is brought forward, and the other and more important point thrown into the shade.

These observations apply, *mutatis mutandis*, to nearly all the arguments and discussions we have ever met with respecting the origin and affinities of languages ; with this exception merely, that here the only thing sought for has been *resemblances*, to the total neglect and exclusion of any consideration of differences. On no subject, indeed, with which we are acquainted, has a less philosophical spirit of enquiry been displayed, or a more intrepid contempt shown for the most obvious dictates of reason and common sense ; on none, certainly, has imagination had a looser rein given to it, or a more ardent competition been shown in the race of folly and extravagance. Every writer, without exception, has had his own preconceived theory to defend, or his own favourite hypothesis to maintain ; and hence facts have been examined, and languages analyzed, not with a view to an inductive comparison and classification of the results thus obtained, but merely to ascertain what support might be picked up for the hypothesis, theory, or system, which the writer had previously espoused. This is the Procrustean bed, to the dimensions of which all things must perforce be adjusted ; the short tortured into due elongation, and the long abridged of their natural proportions. A few resemblances, which every language will readily supply, or which the *quidlibet ex quolibet* system of etymology will easily furnish, are greedily seized upon, and paraded with infinite pomp of learning ; all thought of any thing beyond these real or forced coincidences is neglected or despised ; and conclusions are straightway drawn as to the supposed identity or affinity of nations, races, and tongues, which probably have had little or no connexion or intercourse since God confounded the languages, and dispersed the various tribes of mankind at the building of Babel.

This class of writers never reflect that the points in which any two or more given languages agree, invariably bear but a small proportion to those in which they differ ; that in all enquiries relative to the history and filiation of languages, the differences necessarily constitute a much more important element than the resemblances ; and that entering into any investigation from which the consideration of those differences is excluded, is as absurd as it would be to leave altogether out of view the character of Hamlet, in a critical disquisition on the play of that name,—or, in a treatise on the art of war, to omit all mention of the names and achievements of Alexander, Hannibal,

and Caesar—Turenne, Marlborough, Napoleon, and Wellington. Yet such, we regret to say, has been almost the inviolable practice of etymologists and philologers. Like the theological writers and commentators abovementioned, they have looked only at the less, to the total exclusion of the more important and difficult side of the question: And hence it may be said of them, as Cicero said of the philosophers, that there is no manner of absurdity which they have not maintained,—no sort of extravagance which may not be discovered in some of their writings. They are the Cyclops of literature, with but one eye, which unhappily is not placed in the forehead.

The results of this uni-lateral, uni-ocular mode of proceeding, have, in no respect, differed from what might have, *a priori*, been anticipated. Theory has succeeded theory, and system has followed system, with unexampled rapidity and fertility of invention; until we are fairly lost in the chaos of conflicting opinions, and forget every thing, except that those which come last are generally the wildest: nor is it easy to conceive how men, otherwise of very sluggish mind and pedestrian fancy, should have contrived to rear such vast and towering edifices out of the scanty materials with which they were provided.

In this imaginative region of speculative uncertainty, however, there is nothing permanent or enduring. The wisdom of to-day becomes the folly of to-morrow, and one extravagance is soon displaced by another still wilder and more grotesque than itself. At one time all languages were derived from the Celtic; and the works of Bullet, Cour de Gebelin, Davis, O'Brien, and Townsend, attest with how much misapplied zeal, learning, and ingenuity, it was contended that this 'rudest and poorest' of idioms was the real parent of all existing tongues. At another time nothing was heard of but the Gothic, which found a stanch and sturdy champion in Dr Jamieson: and many a ponderous dissertation was written to convince the world that Europe was indebted for the elements of language and civilisation to the nomadic hordes that roamed the Scythian deserts. Determined, if possible, to be right, Horne Tooke, immeasurably the most acute man who had yet turned his attention to enquiries of this nature, combined both theories; and, contending alike for the Teutonic, of which he knew but little, and for the Celtic, of which he knew nothing at all, taught us, that in the dialects which once prevailed in the North of Europe, are to be found the true sources of the Greek and Latin languages.

But a bolder adventurer after originality appeared, and completely threw into the shade the humbler speculations of his predecessors. This was Dr Murray, who had the hardi-

hood to maintain that all the languages presently upon the face of the earth, or of which any knowledge is preserved by means of books or monuments, were originally formed out of nine barbarous monosyllables, which none but a Celt or a Caffre could pronounce, yet which, according to him, constitute 'the base of that medium through which Homer, and Milton, and Newton, have delighted or illumined mankind.' The courage necessary to propound gravely a theory like this, is not less to be admired than its perfect novelty and originality. At the present day, however, when it is the fashion to go abroad for what might be easily enough found at home, we are commonly sent to seek for the origin of languages in Persia or India; and although some have held that Persian is only an improved form of Scythian, and others that Sanscrit is derived from Greek, while the gallant author before us strenuously gainsays both opinions, the received belief is, upon the whole, adverse to all the older theories; and it seems now to be generally admitted, both here and on the Continent, that the origin of language must be sought for in that region which formed, as it were, the cradle of the human race, and whence 'all the people that dwell upon the earth' have primarily sprung. But as this region is vast, so the theories proposed are still various and contradictory. Of these, however, the most remarkable is that which has been denominated the Indo-Germanic, originally broached by Professor Adelung in the *Mithridates*, and now pretty generally received on the Continent, particularly by the scholars of Germany.

According to this theory, the plateau of Middle or Central Asia formed the mighty reservoir, whence were derived, or rather sent forth, the various streams of population which successively overflowed the different countries, both of the East and of the West; some of which, penetrating through Thibet and the defiles of the Himalaya range, descended upon and spread themselves over the Indian Peninsula; while others again, taking a westerly course, proceeded along the shores of the Caspian and the Euxine, and gradually diffused themselves throughout Germany and other parts of Europe. The period of these migrations is not and cannot be fixed, but they are assumed to have taken place soon after the Deluge; and the supporters of the theory even go so far as to reject the authority of Scripture altogether, maintaining that the whole earth was originally peopled from Middle Asia. M. Klaproth, for example, who is a plain matter-of-fact man, and occasionally evinces a disposition to laugh at the absurdities of other theorists, as well as to ridicule that rage for system out of which these absurdities have grown, not only adopts this theory, in its

broadest form, but pushes it to a pitch of extravagance wholly inconceivable in a writer who, at the same time, disclaims any intention of deriving all languages from one primitive tongue. According to him, 'the wide dispersion of the Indo-Germanic race' (under which denomination he includes Indians, Persians, Afghans, Kurds, Medes, Ossetes, Armenians, Slavonians, Germans, Danes, Swedes, Norwegians, English, Greeks, Romans, and all the people or languages derived from the Roman or Latin) 'took place probably before the Flood of Noah; besides, it is the only Asiatic one which appears to have descended, after that event, from two high mountains; namely, from the Himalaya into India and Middle Asia, and on the west, from the Caucasus into Asia Minor and Europe. In India this race mixed itself much with the dark-coloured *aborigines*, and, though its speech predominated, its physical characteristics were deteriorated, as has ever been the case when a mixture has taken place between a white and black or brown race—when the physical qualities of the latter, and the moral qualities of each, undergo an inevitable change. The brown or negro-like *aborigines* of India probably saved themselves, during the flood of Noah, on the high mountains of Malabar, and the Ghauts,' (which M. Klaproth might have known are the mountains of Malabar.) 'In the dialects of the southern parts of India, there appears to be a number of roots and words received from the *aborigines*, and some remains of such words may perhaps be found among the wild mountain people in the northern parts. . . . From Caucasus another branch of this stem seems to have descended upon the banks of the Caspian Sea, and proceeded into Media, and thence peopled Persia. Afterwards they probably emigrated into Asia Minor, and first into southern, and then into northern Europe.'—(*Asia Polyglotta*, pp. 43-4.) Any thing wilder or more gratuitous than this we cannot imagine, except, perhaps, it be the Babylonian theory of Colonel Kennedy, of which we shall have something to say in the sequel. As to M. Klaproth, he seems to unite the credulity of the system-builder with the scepticism of the *philosophe*, and to reject the authority of Moses, while he yields an implicit belief to the reveries of his own fancy.

Here, then, we have an outline of the various opinions, theories and systems, which have, at different times, been brought forward to account for the origin and affinities of languages; and, certainly, in contemplating it, we can discover nothing to encourage us to adventure upon a new excursion into this murky region of speculation and conjecture, or to add another instance to the catalogue of hypothetical vagaries, which we have felt it our duty to chronicle. And we are the less tempted to ad-

ture upon such a course, because, like Adelung, we have no favourite idea, no hypothesis to establish, and merely propose to state *what* is, and *how* it is, without concerning ourselves with what might or should have been. We derive not all languages from one, because we know of none which is entitled to be considered the parent or root of all others. Noah's ark is a closed castle to us, and, so far as we are concerned, the tower of Babel shall remain undisturbed.—(*Mithridates*, preface, xi.)

At the same time, we are by no means inclined to maintain, that, because no solution has yet been given, the question as to the filiation and affinities of languages is therefore insoluble; or that important conclusions may not be derived from an extended analytical investigation and comparison of existing forms of speech, whether actually employed as instruments of communication and intercourse, or preserved, after they ceased to be such, in books and monuments. An enquiry of this nature still remains to be instituted; but whenever it is undertaken by one competent for the task, and with a mind unfettered and unbiassed by preceding opinions, results of the very greatest interest and importance, as regards the early history and intercourse of nations, can scarcely fail to be derived from it. With respect to the investigations of which we are already in possession, all of them are vague, gratuitous, fanciful, and unsatisfactory; arising, doubtless, from the circumstance, that their authors have either started with a preconceived theory or system, which they conceived themselves bound at every hazard, and by all means, to maintain and defend; or that, not content to stop short when no further data could be obtained, and to trace a distinct line of demarkation between the known and the unknown, the certain and the conjectural, they have attempted to fill up blanks with their own hypothetical fancies, and to people the *terra incognita* of the question with the creatures of their own imagination. In the sequel of this article, it shall be our anxious endeavour to avoid both these errors, and to confine ourselves strictly to such conclusions and inferences as seem to be warranted by ascertained facts. Some of the systems which have been, at different times, proposed, we shall examine freely, perhaps somewhat in the spirit of the sceptical philosophy, which seems eminently adapted to such an investigation; but we shall, at the same time, be most careful to separate facts from fictions, truth from error, and to draw a bold, well-marked, line of distinction between those results which induction sanctions, and the barren figments which have been invented to supply the absence of evidence, and the want of real knowledge.

Man possesses the inestimable advantage of being endowed, by the faculty of uttering articulate sounds, but also

with a power of combining, regulating, and modifying these, so as to render them significative of his feelings and thoughts. Language, therefore, is the immediate expression of the conceptions and emotions of the human mind; and so universally have mankind felt the necessity of such a medium of communication—so powerfully has the instinct operated, which prompts them to exert the powers and faculties of which they are conscious, that no race or tribe has yet been discovered, however few in numbers, however abject in condition, however rude in its general character, which did not possess a language adapted to all the purposes and wants of its particular mode of life. The faculty of speech, indeed, is an attribute which, as it appears to have belonged to man from the period of his original formation, so it still constitutes one of the most remarkable characteristics of his being.

But language, which is thus expressive of mental conceptions and emotions—the reflected image, as it were, of the thoughts and feelings of those who use it—must necessarily partake in, and accommodate itself to, all the shades, varieties, and peculiarities, in those mental manifestations; and hence it will be found, in almost every case, to indicate, by its hardness or softness, its roughness or smoothness, as well as by the use of words, or turns of phraseology for particular ideas and perceptions, the different dispositions and characters of the nations, nay, sometimes even of the individuals, who employ it. We may, therefore, conclude, that with the origin of a language, its intrinsic difference from other tongues would also arise; since no two individuals can be found who feel or think alike, and view things exactly in the same way: And this difference must be still further developed when families grow into tribes, and tribes become nations, and the language of each is subjected to the influence of local position, physical constitution, mode of life, laws, manners, usages, religion, and foreign intercourse. Through the combined operation of these causes, the tongue of a people, though it may exhibit some affinities, and admit a few foreign roots, will nevertheless acquire a distinctive character, in tone, in formation, in the connexion and use of words, and in the richness or poverty, force or feebleness of expression; nor will it be possible, by any effort of ingenuity, so to divest it of this character, that its intrinsic difference from other tongues shall not continue obvious and palpable to every competent enquirer. Such, indeed, is the boundless diversity of nature, in all her productions, (of which language is undoubtedly one) that the most radical differences are constantly associated with the most striking resemblances—the most perfect unity and harmony in the whole, with an infinite variety in the

parts : And hence nothing can be more absurd and unphilosophical than to exclude all consideration of contrariety in investigating the relations and affinities of the various forms of speech which have existed, or at present exist, among mankind ; unless, perhaps, an exception be made in favour of that rash spirit of generalisation which has led some enquirers to assert the existence of one primitive and universal language, of which all others are the lineal descendants.

‘ Modern enquiries have made it manifest,’ says M. Thiersch, ‘ that the countless diversities of dialect and language may be reduced to a few primitive tongues, which came with mankind out of the cradle of the human race, and have multiplied in proportion to the diffusion of the species.’* That the number of primitive tongues is small, compared with that of all existing languages, may be readily admitted ; but it will perhaps appear in the sequel, that it is greater, absolutely considered, than this learned and ingenious philologist seems to imagine ; whilst the *questio vexata* of the enquiry is to discover that ‘ cradle of the ‘ human race,’ out of which these ‘ primitive tongues’ are said to have come, with the progenitors of mankind ; for there is scarcely a country of the East, the Chinese empire excepted, which has not, in its turn, been supposed to contain the hallowed region where the founders of all nations were nursed, and prepared for the mighty enterprise of peopling the world.

But be this as it may, and assuming, what will be afterwards proved, that the number of primitive tongues at present in existence is considerable—so considerable, indeed, that the progress of our enquiries is constantly impeded by the discovery of languages, which, neither in their genius nor in their structure, can be identified with, or derived from, any other form of speech with which we are acquainted ; it does by no means follow, that there may not have existed, at one period of the history of the human race, a language of this description, then in universal use as a medium of communication, but which, from some cause or other, was afterwards destroyed, and every vestige or trace of its existence obliterated.

The fact of the existence and prevalence of a primitive language, is positively asserted by Moses ; as positively, indeed, as his statement respecting the time when, the place where, and the manner in which, it was suddenly and miraculously annihilated, and various distinct languages created by the same

* The Greek Grammar of Frederick Thiersch, translated from the German, with brief Remarks, by Professor Sandford. Preliminary Remarks. Edinburgh : 1830.

power which had originally communicated the faculty and knowledge of speech to our first parents. He declares, without qualification, that 'the whole earth was of one language and of one speech;' that by the immediate interposition of the Supreme Being, this language was 'confounded,' so that the people could not understand one another's speech; and that a great diversity of tongues was in consequence produced, the various families and tribes by which the earth was afterwards peopled speaking each its own language.* Nor have we yet been able to discover any reason why this explicit and authoritative account of the matter should have been overlooked or rejected, as it has but too frequently been, by speculative enquirers into the origin of nations and tongues; more especially, as the result of all modern investigations into the structure and relations of the different existing forms of speech, in so far as these are deserving of any attention or regard, has tended strongly to confirm the statement given by the Jewish legislator and historian; and as there is nothing in itself more probable than the existence of a primitive tongue, as Moses has asserted, or more certain than that, if it ever existed, as we have the best authority for believing, it has long since perished, leaving not so much as a trace or remnant behind. 'The language of Noah is irretrievably lost,' says Sir William Jones: and the same illustrious philologist shows, by an elaborate induction and comparison, that several of the most remarkable forms of speech now existing have at bottom no manner of affinity; that, however remote the periods may be to which some of them can be traced, and however closely the date of their origin may approximate to that of the memorable event recorded in the Book of Genesis, above referred to, they are nevertheless to be regarded as totally distinct languages, and, in all enquiries into the origin and early history of nations and tongues, are to be accounted underived and primitive.

This we take to be the sound and rational view of the matter. But it seems fated that no one who engages in these difficult and perilous investigations shall remain proof against the seductions of theory, or escape falling into inconsistency and contradiction. Notwithstanding his unequivocal recognition of the truth of the Mosaic account as to the destruction and 'irretrievable loss' of 'the language of Noah,' together with the consequent creation of a diversity of tongues, which multiplied as families grew into tribes, and tribes increased into nations, Sir William Jones la-

* Genesis, chap. xi. verses 1, 6, 7, 9; and chap. x. verses 5, 20, 31.

hours in another place to prove, 'that the inhabitants of Asia, 'and, consequently, as it might be proved, of the *whole earth*, 'sprang from *three branches of one stem*.' This doctrine, if true, would necessarily lead to the conclusion, that the languages of the 'three branches of one stem' ought to be as homogeneous and as closely affiliated as the people by whom they were employed. But the learned President arrives at a result which is directly at variance with the premises from which he sets out. For, in concluding his observations on the Sanscrit and Arabic, in his fourth Anniversary Discourse, he remarks, that all further comparison between these two languages must be unnecessary, 'since, in whatever light we view them, they seem *totally distinct*, and must have been invented by *two different races of men*.' Again, in his Fifth Discourse, he says, 'If the groundwork of 'the western Turkish, when separated from the Persian and 'Arabic, with which it is embellished, be a branch of the lost 'Oghuzian tongue, I can assert, with confidence, that it has not 'the *least resemblance* either to Arabic or Sanscrit, and must 'have been invented by a race of men *wholly distinct* from the 'Arabs or Hindoos.' And, lastly, in his Sixth Discourse, he observes, 'that the composition of words, in which the genius of the 'Persian delights, and which that of the Arabic abhors, is a decisive proof that the Parsee sprang from an Indian, and not from 'an Arabic stock.'

But if these observations be well founded, as we think they are, it follows, that the Sanscrit, Arabic, and Tartar languages, have not the slightest affinity to one another; while the differences existing between them are so great, as, in Sir William Jones's opinion, to be unsusceptible of explanation, except on the supposition of their having been originally invented by distinct races of men. This conclusion, however, as the reader will perceive, is at variance with the premises from which it is deduced; for if it be true, as it unquestionably is, that no resemblance exists between these languages, then how, we ask, could dissimilar effects be produced by one and the same cause? Supposing the Hindoos, Arabs, and Tartars, to have spoken the same language three thousand years ago, their ancestors, when they migrated from 'the cradle of the human race,' must either have preserved their mother-tongue, or adopted that of the country where they settled. If they preserved their mother-tongue, it is difficult to conceive how any length of time should have had the effect of so completely obliterating all affinity between the Sanscrit and Arabic, for example, as to leave not a trace of resemblance, far less any proof of identity. And if, on the other hand, they adopted the languages of the respective countries in which they settled, this not only implies the co-existence of other

tongues besides the primitive one supposed, but, moreover, involves the ridiculous assumption that languages existed in certain portions of the earth before they were peopled. In the one case, we are called upon to believe an improbability; in the other, a manifest absurdity. Had the Arabs and Hindoos ever spoken the same tongue, and had two languages or dialects been formed out of this primitive speech, it is exceedingly difficult to conceive how they should have become so radically dissimilar. Will any length of time ever have the effect of destroying the existing affinity between the original Latin and the derivative Italian, Spanish, and Portuguese? We cannot believe it, even on the high and respected authority of Sir William Jones.

But these errors, supposing them to be such, are trivial when compared with the extraordinary dogmas which are sometimes propounded on this subject. We have already alluded generally to the rage which, at one time, prevailed for stocking the whole earth with Scythians, and deriving all languages from the uncouth jargon of these barbarians. Their movements, which are described with as much minuteness of detail as if the writers had accompanied the various hordes, while migrating to more genial climes and richer settlements, are supposed to have exerted a powerful influence on the languages of Asia. How this came to pass, we are not very distinctly informed. One thing, however, is certain, viz. that the earliest accounts of this people represent them as mere 'roving barbarians,' without union or national character, and, of course, wholly unacquainted with the learning and arts of civilized life. Herodotus describes them as the most ignorant of men; and every subsequent authority confirms the statement of the father of history. The Tartars, in general, were without literature; the Turks had no letters; and the Huns, according to Procopius, had not even heard of them. Yet these are the people from whose rugged and barbarous dialects, probably in no degree superior to those presently in use among the Calmucks,* Samoieds, and Tongoosses, we are gravely told, that the unrivalled tongue of the Greeks, and the sacred language of the Hindoos, have been equally derived! Pinker-

* Of this tribe M. Klaproth observes, 'Les Kalmouks sont une branche de la grande race Mongole. Plusieurs savans, même dans des temps modernes, ont presque toujours confondu cette race avec les tribus Turques (Tatares); mais elle en diffère totalement par la langue et par la physionomie.' *Voyage au Caucase*, vol. i. p. 68. Be it so; but, as Colonel Kennedy assures us that the Mongol language bears no affinity to the Sanscrit or the Arabic, its distinct existence in nowise affects the argument, and only adds one more to the number of original languages.

ton has somewhere remarked, that next to the disgrace of writing nonsense, is that which attaches to him who attempts to refute it. We may observe in passing, however, that if there be no affinity between Arabic, Sanscrit, and Tartar, and if most existing languages bear more or less relation to one or other of these original tongues, the non-existence of a primitive language follows as a matter of course.

Nevertheless, it is strange how this idea of a primitive tongue has haunted a number of those who have speculated on the origin of nations and languages; more especially considering the difficulty, or rather the impossibility, of accounting satisfactorily for the *whole* of any two languages, how close soever be the relation subsisting between them. We may conjecture that it has arisen from one or other of two causes: either from that tendency to hasty and premature generalisation, which has been found so great an obstacle to the progress of real knowledge; or from the apparent simplicity of deriving all languages from one common origin, coupled, probably, with a mistaken notion, that the Mosaic account of the creation would receive confirmation by proving that this common origin was Hebrew.

But be the cause what it may, no one who has made this subject a study will doubt, that the boldest flight of generalisation was achieved by the late Dr Murray. That excellent, and in some respects wonderful, person—who was unhappily but too soon lost to learning and his country, and who, if he had been longer spared to us, would, doubtless, have seen cause to modify many of the rash opinions which have detracted so much from the value of the work on which his reputation as a philologist must now rest—maintains broadly, that ‘the nations from the confines of China to the Atlantic ocean, from Novaya Zemlia to Africa, speak different dialects of a language, of which the Teutonic is the simplest form existing.’ And, in order to prove this position, he proceeds to state, that all languages *may* be resolved into the following barbarous monosyllables, viz. *ag* or *wag*, *bag*, *dwag*, *gwag* or *cwag*, *lag* or *hlag*, *mag*, *nag* or *hnag*, *rag* or *hrag*, and *swag*; these nine cabalistical words being, according to him, ‘the foundations of language, on which an edifice has been erected of a more wonderful and useful kind than any which have exercised human ingenuity.’* But Dr Murray has

* *History of the European Languages*, vol. i. p. 28, *et seqq.* In pp. 31, 32, Dr Murray thus explains the meaning he is pleased to attach to these wonderful monosyllables: ‘1. To strike or move with swift, equable, penetrating, or sharp effect, was *ag*! *ag*! If the motion was sudden, but of the same species, *wag*. If made with force and a great effort, *hwag*.

not condescended to inform us in what way he arrived at the conclusion that *all* languages may be so resolved, or by what particular process he obtained 'these rude syllables,' which he very naturally anticipates that 'taste and philosophy will receive with 'aversion.' His acquirements as a linguist were undoubtedly various, and few persons have dipt into a greater number of languages and dialects; but, with all his attainments, however great, he could not possibly pretend to a knowledge of *every* form of speech extant among men; and, without such universal knowledge, it is clearly impossible for any one to say, with the least degree of confidence, into what *all* languages may be resolved. Besides, Dr Murray candidly admits, that he had not the Sanscrit completely before him; which is not surprising, considering that no dictionary of that language had then been published: nor are there wanting grounds of suspicion that his knowledge of other and scarcely less important tongues, was equally superficial. In fact, he had dabbled in too great a diversity of languages to know almost any one thoroughly, or to acqui rethat mi-

' These are varieties of one word, originally used to mark the motion of fire, water, wind, darts. 2. To strike with a quick, vigorous, impelling force, *bag* or *bwag*, of which *fag* and *pag* are softer varieties. 3. To strike with a harsh, violent, strong blow, *dwag*, of which *thwag* and *twag* are varieties. 4. To move or strike with a quick, tottering, unequal impulse, *gwag* or *cwag*. 5. To strike with a pliant slap, *lag* or *hlag*. 6. To press by strong force or impulse, so as to condense, bruise, or compel, *mag*. 7. To strike with a crushing, destroying power, *nag* or *hnag*. 8. To strike with a strong, rude, sharp, penetrating power, *rag* or *hrag*. 9. To move with a weighty, strong impulse,' (to '*swag*-ger,' we presume,) '*swag*.' This is all very *moving* and *striking*, no doubt; but still we cannot help thinking that it would have appeared to more advantage in the Travels of the renowned Captain Lemuel Gulliver, than in a grave treatise on the 'History of the European Languages.' The attentive reader will, however, discern, even through the mist of Dr Murray's 'rude,' and not very consistent or intelligible, explanations, that all these words, as interpreted by their inventor, mean substantially the same thing, and are merely modifications of *one* elementary idea; a circumstance which increases, in a ninefold proportion, the difficulty of the riddle which the 'History' above quoted was written to resolve. We are certainly inclined to deal tenderly with a posthumous work, and to make great allowances both for errors and defects: But when we reflect on the wild and reckless spirit which pervades it, and on the extravagance of most of the philological opinions it promulgates, we are irresistibly tempted to believe that, in describing Mr Bryant's *Analysis of Ancient Mythology*, as 'a fanciful work, of which the etymological part is false, the historical dubious, and the ther-
'imaginary,' Dr Murray unwittingly characterised his own,

nute, accurate, and extensive scholarship, which is so indispensably necessary to the success of analytical investigations in philology. We are, therefore, inclined, on the score of competency, to take an exception to the theorist himself, and, independently of other considerations, to view with extreme suspicion a theory, the author of which was not in a condition to investigate the whole, or even the most important part, of the data on which it professes to be founded.

But without urging farther any objection of a personal nature, let us attend for a moment to the theory itself. And, in the first place, if these nine 'rude syllables' constitute the elements of *all* languages, as Dr Murray alleges, it follows, of course, that what is common to the whole human race, ought to be universally intelligible. The language of natural signs is precisely in this predicament, and accordingly all mankind understand it. The rudest tribes, and the most refined nations, are equally ready in apprehending its meaning and import. But will it be pretended that there exists a single individual who can attach the slightest signification to any one of these nine barbarous monosyllables, which are said to form 'the base of that medium 'through which Homer, and Milton, and Newton, have delighted and illumined mankind?' In the next place, we are informed that *ag*, for example, had upwards of two hundred significations. If this be true, it must have been utterly impossible for any one who heard this monosyllable enunciated, to understand in which of these two hundred significations the speaker intended to use it; and hence it is evident that such words could never have fulfilled the purpose of speech, which is to convey an immediate and intelligible expression of the conceptions and emotions of the human mind. Thirdly, Dr Murray states further, that each of these words is a verb and name for a species of action. But, according to the principles of all languages, radical verbs are incapable of being compounded; and without composition no language was ever formed. According to Dr Murray's own showing, therefore, it is impossible any language could have been constructed out of these radical elements; and as we take it for granted that there never existed any tribe or race who could have carried on the slightest intercourse by means of only nine monosyllables, it follows that these words neither constitute a language in themselves, nor are they capable of being converted into one, by any process known to grammarians or philologists. By means of prefixes or affixes, the meaning of a radical verb may be modified, in so far as regards time and mood; but, however the form may be thus altered, the root must still continue the same; nor can it ever be made to

convey any other meaning than a modification of the idea originally attached to it. As to the assumption which Dr Murray's theory necessarily involves, that such words are susceptible of composition, we have only to repeat what we have already stated, that it is adverse to the fundamental principles of all known languages. Of this any one may easily satisfy himself by trying the experiment with two verbal roots in any language with which he happens to be acquainted.

These observations, we confess, appear to us perfectly conclusive as to the utter groundlessness and fallacy of Dr Murray's system. A more desperate and unsuccessful attempt at generalisation is probably not to be met with in the whole history of science or of letters, fruitful as it unfortunately is in examples of this description. But Dr Murray set out by assuming as true a principle, which could scarcely fail to lead a man of his ardent and original mind into the greatest and gravest errors. He takes it for granted as self-evident, (and upon this assumption the whole of his system is built,) that particular terms were derived from general, not general terms from particular,* and that, in the order of things, the abstract, in every case, preceded the concrete. How any man who had read and studied, as Dr Murray must have done, Dr Adam Smith's profound and admirable essay on the 'Formation of Languages,' could have fallen into this error, it is not easy to conjecture: For the most cursory examination of different forms of speech will show that nouns, or the names of individual sensible objects, form their basis; and that by means of these alone, aided by gestures or natural signs, is it possible for one man to communicate his wants or wishes to another.

Take the well-known instance of *μήλον μοι δες*, a collocation of words which seems to be arranged in the natural order of invention; and suppose that a savage, who wishes to obtain the fruit, knows only the word *μηλον*, *apple*, without having any terms corresponding to the personal pronoun and the verb; what course would he probably follow, in order to indicate his wishes? Would he not, first of all, name the fruit, the object of his desire; then point to himself, the *δεις* being, in this case, equivalent to the pronoun; and, finally, use some gesture or sign to signify that

* 'Our knowledge of language and man will warrant us to infer that such words as cave, tree, or river, are from general terms: a cave is a hollow; a tree is a grower; a river is a runner; and it further appears that the words hollow, grow, and run, are from others still more general. The actual experience of savages always must extend to the qualities of the external world, and the natural feelings.'—*Hist. of Europ. Lang.* vol. i. p. 179.

he wished the fruit to be given him? If language was of human invention, we think this is the course which would be followed in the particular instance supposed, and in all others of an analogous description; and hence it is evident, that, in the order of nature, nouns or names of sensible objects necessarily take precedence of all other kinds of words, and constitute the basis of language.

But Dr Murray thinks very differently. Forgetting that every action presupposes an agent and an object, he assumes that action may be conceived independently of either the one or the other; and consequently, that general or abstract terms would take precedence of particular terms, or names, in the formation of language. The first step, according to him, would be the invention of a species of nominalism, from which, by some inexplicable process, particular appellatives would be afterwards derived. But the very examples he has himself given—‘the tree grows, the fire burns, the stone hurts, the plant poisons,’—are sufficient to demonstrate the fallacy of the principle on which his system is grounded: for the verbs, *grows, burns, hurts, poisons*, would evidently convey no determinate meaning without the appropriate substantives, *tree, fire, stone, plant*, and could never have been formed at all, until these physical objects had been distinguished by names, and their most obvious qualities ascertained. Growth, burning, hurting, poisoning, could never possibly be predicated, or even imagined, until it was *previously* known that things or objects existed, which grew, burned, hurt, and poisoned.

Our conviction therefore is, that if language was invented by man, the theory of its formation proposed by Dr Smith,* is not only clear and satisfactory in itself, but, we may add, the only one which proceeds on strictly philosophical principles, and accords with the order and sequence of human ideas. On the question, however, as to the divine or human origin of language, we mean to offer no opinion at present, because, besides being incapable of determination by mere reason, we conceive it wholly immaterial to the enquiry in which we are at present engaged: our object is, not to indulge in vague speculation on a subject which does not admit of even an approximation to cer-

* See *Considerations concerning the First Formation of Languages, and the Different Genius of Original and Compounded Language*, subjoined to the *Theory of Moral Sentiments*; a tract displaying much depth and ingenuity in the purely theoretical part, relative to the formation of languages, but exceedingly defective in that portion of it in which the illustrious author endeavours to determine the characteristics of original, as distinguished from those of derivative languages.

tainty, but to examine and analyze the various theories which have at different times been proposed to account for the original formation and the actual affinities and relations of languages. In passing, however, we may observe, that Dr Smith's theory is evidently applicable to the language of one people only; for, as Colonel Kennedy judiciously remarks, 'it attempts not to explain the causes which have occasioned that variety of names which are given by different nations to one and the same object;' and consequently, it leaves untouched and unaccounted for one of the most remarkable circumstances in the history of mankind. On this subject no profane writer has been able to give us any information; and hence, no alternative remains but to adopt implicitly the account contained in the Mosaic history, which ascribes to a miraculous interposition of the Supreme Being, a phenomenon of which human ingenuity has utterly failed to supply any adequate explanation.

And, most certainly, if mankind ever spoke only one language, as we have no reason to doubt they did, such a miracle seems alone sufficient to account for its utter extinction, and the creation of a vast multitude of tongues, in none of which can the smallest trace of its existence be discovered: for there is no authentic instance in profane history of a tongue which once existed being irretrievably lost. Language, which seems so evanescent and perishable, is nevertheless the most durable of human monuments. The nation who spoke it may be destroyed or cease to be; its history may be effaced from all human registers, and even its very name may be forgotten; but still some fragments of its language may outlast all this ruin, and evident traces of its existence be detected in other and newer dialects, which have been enriched with its spoils, and have perhaps acquired variety, compass, and force, from adopting its roots and inflections. Human speech, considered in relation to the communities of mankind, may be compared to the monumental ivy, which clings to the edifice to which it has been attached, with greater tenacity in its ruin than in its splendour, and when the last fragment has crumbled into dust, and its natural support is thus destroyed, creeps along until it encounter some humble dike or wall, into which it immediately strikes its roots, and thus prolongs its existence after the very ruins of the original edifice to which it adhered have utterly perished.

II. So much, then, for the origin and formation of languages. We now proceed to consider some of their more remarkable characteristics and affinities; beginning with Sanscrit, which, from a variety of causes, and, particularly, from the striking resemblance it bears, both in its words and grammatical struc-

ture, to the Greek, is eminently deserving a prominent share of our attention.

India, formerly the 'home and birth-place' of all sorts of prodigies, contains nothing at the present day half so marvellous, or calculated to strike an enlightened enquirer with so much surprise and admiration, as the sacred idiom, to which the guardianship of all its treasures, of religion, science, and literature has been, in a great measure, confided. The Sanscrit, whether it be considered with reference to the remarkable peculiarities of its structure, the unrivalled perfection of its grammar, or its more general and distinguishing qualities as an organ or vehicle for the expression of thought, and the communication of knowledge, is now admitted, upon all hands, to be one of the most finished languages extant, or that ever existed among mankind, in any age or period of the world. This opinion was long ago expressed, in the strongest manner, by Sir William Jones. 'The Sanscrit language,' he observes, 'whatever be its antiquity, is of a wonderful structure; more perfect than the Greek, more copious than the Latin, and more exquisitely refined than either, yet bearing to both of them a stronger affinity, both in the roots of verbs, and in the forms of grammar, than could possibly have been produced by accident; so strong, indeed, that no philosopher could examine them all three, without believing them to have sprung from some common source, which no longer exists.' *

In fact, it is the 'wonderful structure' here spoken of, which pre-eminently distinguishes Sanscrit from other languages, and impresses upon it a character of originality, which cannot be mistaken; it is this circumstance chiefly which convinces us that it is not, as some have maintained, a derivative form of the Greek, or of any other tongue extant. Secondary languages are, in almost every case, less complex and involved in their grammatical structure, than those from which they have sprung; and, in most instances, the progress has been from languages rich in all the varieties of inflection to dialects of simple formation.† Compare the Romaic with the Greek, the Italian with the Latin, the Teutonic with the Sanscrit, and the truth of this observation will be immediately apparent.

* Works of Sir William Jones, vol i. p. 26.

† Dr Smith, with his usual discrimination, observes, in relation to this subject, that, 'in general, it may be laid down for a maxim, that the more simple any language is in its composition, the more complex it must be in its declensions and conjugations; and, on the contrary, the more simple it is in its declensions and conjugations, the more complex it must be in its composition.'—*Formation of Languages*, ubi supra.

Latin, indeed, which is generally supposed to be the oldest existing dialect of the Greek, may, at first view, be thought an exception to the rule here laid down; inasmuch as it retains inflections, and resembles, in the analogy of its general structure, the language of which it is believed to be a derivative. But we may be permitted to observe, that it is just as probable that Greek and Latin have sprung from a common source, as that the one of these languages is the parent of the other; that the most ancient specimens of Latin extant exhibit scarcely any inflections; that the subsequent introduction and use of these arose out of peculiar circumstances, which in no degree affect the truth of the general principle we have stated; and, at all events, that the Latin, even in its most improved form, is a language greatly inferior to the Greek, in variety, versatility, rhythm, compass, force, and dignity. The supposed exception, in the case of Latin, therefore, is more apparent than real, and, at the very utmost, is only an exception in degree, not in kind: For, to make out an analogy at all applicable to the Sanscrit, viewed as a derivative of the Greek, or of any other tongue, an instance must be produced of a secondary form of speech, which has not only retained all, or the greater part, of the inflections of the original language, but augmented greatly their number, complexity, and variety, and, at the same time, subjected the whole to the most perfect system of grammar and prosody which it is possible to conceive. This, however, cannot be done; there is no other example of a derivative language attaining to a higher degree of perfection than that from which it sprung, or adopting, extending, improving, and systematizing those very peculiarities which, in every other case, have been, in a great measure, lost, in the course of transference or descent; and hence we are disposed to consider the anomaly in regard to Sanscrit, as just one more proof of the originality of that remarkable language.

Nor are there wanting other considerations which seem to lead irresistibly to the same conclusion. Sanscrit contains no exotic terms, and throughout is perfectly homogeneous. Its roots, which are evidently the work of grammarians, afford a strong proof of the diligence with which it has been subjected to grammatical rules. They are merely monosyllables, consisting of the radical letters composing the words derived from them; they have in themselves no distinct meaning; and, consequently, they must have been formed long *after* the origin of the language.*

* Sanscrit has one radical quality which it shares in common with the Greek, and other languages of the West, and which distinguishes it from most other Oriental tongues. For example, in the words, *σάλας, σιλάς, σι-*

Had they been coeval with it, they would, beyond all question, have been significative; and the fact of their *not* being so appears to us a demonstrative proof that these roots were the work of grammarians, subsequently to the formation of the language. But although the *roots* do not form a constituent part of the language, still its *words* show that they must have been all formed by the people who once spoke it, (for that it *was*, at one period, spoken, seems, on many grounds, very probable,) according to some principle well known to them, although we may not now be able to discover it. What can be more evident, for instance, than that *bhara*, that which supports; *bharata*, a servant; *bharanius*, wages; *bharaniu*, a master; *bharatha*, a king; *bharta*, a husband; *bharia*, a wife; *bhara*, a burden; *bhrita*, hired; *bkriti*, wages; *bhritya*, a servant; are all cognates of the verb *bibharti* or *bharati*, he supports, maintains, or bears?*. But still no one, except a grammarian, would have thought of deriving all these words from the monosyllable *bhri*, which is given as the root. Again, the suffixes (termed *kridantas*) and affixes, employed in the formation of derivatives, appear to be nothing more than a classification by grammarians of letters and syllables of actually existing words, which could not conveniently be included among the roots; another proof that the present perfection of the grammatical system of Sanscrit has been the result of long consideration of the subject, and of the most anxious and painful elaboration; without which, indeed, it could never have been rendered of any practical use. For 'what hopes,' Mr Foster asks, 'would the unremitted toil of a protracted life, even of 'one endowed with the intuitive genius, the all-embracing faculties, of a Sir William Jones, hold out of attaining such 'an incredible language, was not every step directed by etymological rules, at once general, simple, and comprehen-

$\lambda\alpha\varsigma$, $\sigma\upsilon\lambda\alpha\varsigma$, in Greek; *malus*, *miles*, *moles*, in Latin; *tan*, *ten*, *tin*, *tone*, *tun*, *tune*, in English; *pati*, *pita*, *puta*, *pota*, in Sanscrit; it is manifest that the signification is determined by the vowels alone, the consonants being the same in each set of instances, $\sigma\lambda\varsigma$, in the Greek, *mls*, in the Latin, *ts* in the English, and *pt* in the Sanscrit. But the very opposite of this obtains in Hebrew, Arabic, and other Oriental tongues, in which the root consists exclusively of consonants, and never undergoes the slightest change of meaning in what way soever the vowel may be interposed. Thus, in the Arabic words, *harama*, *hirman*, *muharram*, *hramat*, *muhtarim*, the meaning depends entirely, not on the vowels, but on the radical consonants *hrm*; these, and a variety of other derivatives, being merely modifications of the sense of the radical word. See *Researches*, &c. p. 91.

* *Researches*, &c. p. 194.

'sive?'*—Rules, we may add, which determine the application of *nine hundred and fifty-eight* increments to *two thousand five hundred* roots, and thus afford means of composition incalculably greater than those supplied by any other language.

Is it conceivable, then, that a tongue rich, beyond all example or comparison, in those resources, which add so greatly both to the copiousness, vigour, and harmony of a language, and every word of which has been resolved, or at least is resolvable, into elements or roots discoverable in itself alone, and nowhere else, can be accounted a secondary or derivative form of speech? If this be not a criterion of an original language, we should like to know what is. It is doubtless not indispensable that the majority of words in a language should be capable of being decomposed and traced to their simplest elements; for, in the Persian we have an instance of a copious language, which has been formed without the aid of modifying *kridantas* and affixes: But when the frame and texture of a language leave no doubt whatever that many of its words exist not in their simplest state, and that composition has been essential to its formation; and when the elements of these words cannot, by an artifice of analysis or etymology, be discovered in itself, but must be sought for somewhere else; it surely follows that such a language is *not* original, but derivative. And, on the other hand, where a language, like Sanscrit, admits of being completely analyzed, by reducing its compounds to a limited number of elementary forms, or roots, all contained in itself, it seems equally to follow that such a language is *not* derivative, but original.

These are principles in philology which we conceive to be perfectly inexpugnable, and which accordingly we shall immediately apply to the solution of a question of the greatest importance in the philosophy of language, and which, considering the quarter where it originated, no less than its own intrinsic interest, is deserving of the most careful and attentive examination. We allude to the hypothesis, respecting the origin of Sanscrit, proposed by the late Mr Dugald Stewart, in the third volume of his *Philosophy of the Human Mind*, and adopted, as we think, without due consideration, by Professor Dunbar, in a recently-published work on the Greek and Latin languages.

That Sanscrit, in many of its words, and still more in its inflections, idiom, and prosody, bears a singular resemblance and

* *Sanscrit Grammar*: dedication. Mr Foster's observations (*ibid.*) on the extraordinary means of composition which Sanscrit affords, are deserving of the greatest attention.

analogy to Greek, is well known to all scholars, and must be familiar, even to ordinary readers, as a fact often stated, and always admitted. The words common to both languages, or which may be shown to have been originally identical, are pretty numerous, and the coincidences between them frequently striking. In a list appended to Colonel Kennedy's work, he shows that there are about *nine hundred* Sanscrit words in the Greek, Latin, Persian, and Teutonic languages; and that, of these, *three hundred and thirty-nine* are to be found in the Greek alone.* But it is not so much in words, (which commerce, conquest, or religion may have introduced, without at all affecting the general character of language, or warranting any just inference as to its radical affinities,) as in idiom, analogy, and inflection, that the resemblance between Greek and Sanscrit consists. The Persian is generally admitted, and at all events may be proved, to be an original language; yet it has borrowed or received no less than *two hundred and sixty* words from the Sanscrit. But, notwithstanding this infusion or mixture, the language of Iran maintains its distinctive character; and, in its genius, idiom, analogy, and construction, bears no more resemblance to Sanscrit, than Sanscrit bears to Celtic.

It is far otherwise with Greek and Sanscrit. Between these two languages the similarity of grammatical structure is most remarkable, extending to all those points in which Greek differs from the other languages of the West. Both inflect their nouns in the same way, namely, by means of changes on the termination; both have a definite article, declined alike through all the cases and genders; both have a dual number, a middle voice, and many tenses in common. 'Of the ten Sanscrit tenses,' says Colonel Kennedy, 'viz. the present, the three preterites, the two futures, the potential, the conditional, the imperative, and the infinitive, the inflections of six have been preserved both in Greek and Latin, and of one in Greek and Latin respectively; so that there remain two tenses only, the inflections of which have been lost.'—(*Researches*, 275). In the first preterite, the second preterite, and conditional, an augment is employed; being formed, in the first preterite and conditional, by an *a* prefixed, as *alagham*, *ἔλεγον*, *alagrishiam*, *λέξαμι*; and, in the second preterite, by a reduplication of the first syllable of the radical verb,

* Of these 900 Sanscrit words, 339 are found in the Greek, 319 in the Latin, 263 in the Persian, 162 in the German, and 251 in the English. Thirty-one belong to all these languages; 527 to Greek and Latin, omitting the words common to both; and 182 to German and English, exclusive of those common to both, or to the other languages. *Researches*, p. 9.

as *lalaga*, ललगा. After stating that every Sanscrit verb has a form equivalent to the middle voice of the Greek, used through all the tenses with a reflective sense, Mr Halhed adds, 'that all the Greek verbs in μ are formed exactly upon the same principle with the Sanscrit conjugations, even in the minutest particulars.'*

A number of other resemblances and analogies might be mentioned, particularly in the pronouns and pronominal adjectives; but those we have just stated will probably be sufficient to convey a general notion of the wonderful affinity subsisting between these two languages, which is all that is necessary in a discussion of this nature. We may add that, according to Sir William Jones, 'Sanskrit prosody is easy and beautiful. The learned,' he says, 'will find in it almost all the measures of the Greeks; and it is remarkable that the language of the Brahmins runs very naturally into sapphics, alcaics, and iambics.† In a word, 'Sanskrit answers to Greek as face answers to face in a glass,' to use the language of a late Provost of Fort William College. 'You will find the verb in the corresponding mood and tense, the noun and adjective in the corresponding case and gender. The idiom and government are the same; where the Greek is absolute, so is the Sanscrit, and in many instances the primitive roots are the same.'

These are certainly very astonishing coincidences; and as it is impossible to call in question their reality, the next point is, to determine how they were produced, or, in other words, to account for a fact which we agree with Mr Stewart in thinking 'unparalleled in the history of man.' And here we observe, that where two languages exhibit such marked features of resemblance, and display so close an affinity, as the Sanscrit and Greek, one of two things must be true: Either both have sprung from a common source, or one of them is a derivative of the other. Each of these suppositions, accordingly, has found zealous and ardent supporters, in different parts of the world.

Among the scholars of the continent, particularly of Germany, a strong bias has been evinced in favour of the identity of origin, to the exclusion of all idea of descent or derivation; and this is also the opinion maintained by Colonel Kennedy, though on grounds peculiar to himself. The Indo-Germanic theory, to which we formerly alluded, implies, as a necessary consequence, that Sanscrit, Greek, Latin, Persian, Teutonic, and a

* *Grammar of the Bengal Language*, p. 101. Hoogly, 1778.

† Works of Sir William Jones, vol. i. p. 859.

number of other languages, were all formed from that which was originally spoken by the inhabitants of Middle Asia, and of which the only fragment now existing is the portion common to all of them; while the Babylonian theory of our author naturally conducts him to the same result, though by a very different route. All our native Orientalists, again, whether at home or in India, are, for the most part, vehement sticklers for the antiquity and originality of the Sanscrit: holding Greek, of course, to be a descendant or offset from that parent stem, though they find it difficult to explain very clearly, when, how, and where this derivation took place; and contending strongly, and, as we have already shown, not without reason, that the internal evidence supplied by an accurate analysis of both languages is of itself sufficient to settle the question of priority at least in favour of Sanscrit. But, latterly, unbelievers have arisen who have turned the tables upon the Orientalists, and positively refused to admit the antiquity of any thing Indian. M. Klaproth, for instance, asserts that 'the Sanscrit, which is generally considered as so old a language, betrays in itself every appearance of recent formation, and is, in truth, a remarkably modern language, the newness of which is disguised and concealed by its roots.* And Mr Stewart, in the third volume of his *Philosophy of the Human Mind*, above referred to, contends that so far from Greek having been derived from Sanscrit, the latter was derived from Greek; and that this took place so late as the time of Alexander's expedition to India; which, according to him, was, in truth the proximate cause of the birth of Sanscrit. The weight due to the authority of this amiable and eloquent philosopher, the European reputation he had so justly acquired, and, above all, the certainty that no opinion he espoused was either hastily adopted, or maintained without due consideration, have naturally attached a degree of importance to this hypothesis, which it never would have acquired, if promulgated by a writer of inferior name; for which reason, among many others, it has become imperatively necessary to enquire into the conditions it involves, and examine the foundations upon which it rests.

This excellent person, now, alas, ὁ μακρίτης, informs us that his 'conjectures,' as he modestly styles them, were suggested by a casual observation of Mr Gibbon, who, in the seventh volume of his *History*, observes, 'I have long harboured a suspicion that some, perhaps much, of the Indian science was derived

* *Asia Polyglotta*, p. 45.

from the Greeks of Bactriana;' but he adds, that to this hint he paid but little attention, till he found the same opinion stated with considerable confidence by Meiners, in his *Historia de Vero Deo*;—a work of unquestionable learning and research, which seems to have confirmed him in the notions to which the remark of Gibbon had accidentally given rise.

Accordingly, after 'recalling to the memory of the reader some facts' respecting the proceedings of Alexander, and 'the ancient intercourse between the Greek colony of Bactriana and the inhabitants of Hindostan,' which he states on the authority of Dr Robertson, Mr Stewart proceeds to observe, that 'if these facts be duly weighed, the conjecture of Meiners will not perhaps appear extravagant, that it was in consequence of this intercourse between Greece and India, arising from Alexander's conquests, that the Brahmins were led to invent their sacred language.*' Meiners conceives that the Brahmins were, at this particular time, reduced to the alternative of either adopting a foreign language at once, or inventing a new one, 'by means of which they might express their newly-acquired ideas, and, at the same time, conceal from the other Indian castes their philosophical doctrines, when these were at variance with the commonly received opinions;' and he is, upon the whole, inclined to think that they would rather invent than borrow. But he foresees a very serious objection to the notion of invention. 'Ejusmodi vero linguæ inventio (inquit autor eruditissimus) adeo arduum et difficile negotium esse mihi videtur, ut illud non nisi multis hominum ætatibus perfici potuisse existimem.'† Mr Stewart, however, thinks very differently: 'for with the Greek language before them as a model, and their own language as their principal raw material, where would be the difficulty of manufacturing a different idiom, borrowing from the Greek the same, or nearly the same system, in the flexions of nouns and conjunctions of verbs, and thus disguising, by new terminations and a new syntax, their native dialect?'

Mr Stewart next proceeds to give some idea of the nature of the process by which he conceives this 'different idiom' to have been 'manufactured;' and, as history has furnished him with no example of any such product of 'manufacturing' industry, he very ingeniously instances, as 'something not altogether unlike this,' the *Kitchen-Latin* of the Monks, a sort of burlesque lin-

* *Elements of the Philosophy of the Human Mind*, vol. iii. p. 108.

† *Historia Doctrinæ de Vero Deo*, pp. 134, 135. Lemgovix, 1780.

qua franca, the ludicrous extravagance of which has been cleverly hit off by Drummond of Hawthornden, in his *Polemio-Middinia*. He then tells us, that 'the date which is fixed for the era' of the 'greatest perfection' of Sanscrit, is the century immediately preceding the Christian era; and with reference to this date, observes, 'During the interval between the invasion of Alexander and the period here mentioned, there was ample time for polishing and refining this artificial dialect. Nor is it easy to explain why so many classic poets should have appeared so soon after Alexander's invasion, but by the *impetus*, which the minds of the Hindoos had received, and the new lights which they had acquired, by their recent intercourse with the Greeks and Persians.' Immediately after, Mr Stewart adds, 'According to the idea which has now been suggested, we may expect to find Sanscrit as widely diffused as the order of the Brahmins; indeed, if there be any foundation for the foregoing conjectures, it was probably in possession of every Brahmin in the course of one or two generations after Alexander's invasion. From the natural curiosity of this order of men, joined to the *esprit de corps*, Greek may be presumed to have formed part of their professional education; more especially as, with a slight knowledge of its syntax, nothing more was necessary for their instruction in Sanscrit, but a few examples of the mode of combining Sanscrit with their vernacular tongues.'*

It thus appears that, in Mr Stewart's opinion, the Sanscrit was formed by the Brahmins, upon the model of the Greek, partly out of that language, and partly out of 'the raw material' of their own; that its formation took place in the interval of one or two generations after Alexander's invasion of India; and that it was brought to its greatest perfection in the course of the century immediately preceding the Christian era, when it became fixed in the writings of classic poets. The following observations will probably enable our readers to judge of the soundness of this opinion.

1. Speaking of the various projects of Alexander, Mr Stewart, following Dr Robertson, observes, 'that it was one great object of his policy to secure the possession of his new empire by incorporating and assimilating, as far as possible, his Asiatic and his European subjects;' and that, with this view, he assumed the Persian dress, adopted many of the Persian customs, encouraged the Persian nobles to learn the Greek language, mar-

* *Elements of the Phil. of the Human Mind*, pp. 113—115.

and one of the daughters of Darius, and chose wives for a hundred of his principal officers in the best Persian families; all very proper and politic measures in a conqueror. 'It is not to be doubted,' Mr Stewart adds, 'that he followed the same policy in his *Indian dominions*.' It is not to be doubted that he *would* have followed the same policy, had he ever acquired any '*dominions*' in India. But the truth is, he never was master of an acre of territory in that country, beyond the ground occupied at the time being by his army, or immediately within the range of military operations. Alexander invaded, but did not conquer India. He was not even able to penetrate as far as the Sutledge, which forms the south-eastern boundary of the Punjab; and after a short campaign in the rainy season, was compelled by the mutinous spirit of his soldiers, to retrace his steps, and march back to Persia. He returned, however, and accompanied Nearchus in his navigation of the Indus, upon reaching the embouchure of which he again withdrew with his army into Persia. So that Alexander can scarcely be said ever to have crossed the north-west frontier of the country, where Mr Stewart has unwittingly provided him with '*dominions*;' telling us, 'that he followed the same policy as in Persia,' which he had completely subjected to his power. It would, therefore, be altogether unreasonable to maintain, that the momentary appearance of this conqueror on the banks of the Indus, or his navigation down that celebrated stream, or any casual intercourse that may have taken place between his army and the natives, could have been productive of such effects as Mr Stewart has imagined.

2. Trusting to Dr Robertson, who is not consistent with himself, Mr Stewart has been led to form a most exaggerated idea of the importance of the Greek settlement in Bactriana, and of the intercourse it carried on with India. The former says, 'Concerning the transactions of this kingdom (of Bactria), we must rest satisfied with gleaning a few imperfect hints in ancient authors. From them we learn that its commerce with India was great; that the conquests of the Bactrian kings in that country were more extensive than those of Alexander himself; and, particularly, that they recovered possession of the district near the mouth of the Indus, which he had subdued.*' This is really a novel mode of writing a history. Ancient authors supply only 'a few imperfect hints,' from which, of course, no

* *Historical Disquisition concerning Ancient India*, p. 33. London, 1791, 4to.

certain conclusion can be drawn, or any thing beyond a *conjectural* inference be deduced; yet, on such 'imperfect' data Dr Robertson risks the assertion, (which Mr Stewart implicitly adopts and repeats,) that the commerce of Bactriana with India 'was great;' that the Indian conquests of the Bactrian 'kings were more extensive than those of Alexander himself,' (which they might easily be, seeing that, as we have already shown, the latter overran a part of the frontier by which he entered, but, in point of fact, made no permanent conquests;) and particularly that they recovered the district near the mouth of the Indus, which Alexander had subdued;—a specification which does not say much for the *extent* of their conquests. Nor is this all. If the commerce of Bactriana with India was *great*, in what did it consist? How was it carried on? Did it extend to the whole, or a part only, of India? And in what possible way could it have been productive of such extraordinary effects upon a people, who, from the peculiar nature of their institutions, their habits, and their character, (which seem to have been the same then as now,) were better guarded against, and in disposition more averse to change, than any other race of men in existence? What effect could possibly be produced, upon a vast and extensive country, inhabited by a people so circumstanced, from the residence of some garrisons of old soldiers, stationed at the sources of the Indus; probably amidst a hostile population; certainly never amalgamating or becoming identified with those among whom, from first to last, they appeared in the character of conquerors, masters, and tyrants? When we see how little impression has been produced upon the Indians by their communications with Europeans for the last three centuries, and by the continuance of the Mahomedan government for eight hundred years, is it not against all reason to suppose that ten or twelve thousand soldiers, of different nations, enlisted under the Macedonian banners, and dispersed in Bactriana, amidst a populous nation, could, in less than a hundred and thirty years, produce so great an effect upon the language and literature of India?

3. And by the instrumentality of what 'order' of men is this extraordinary revolution supposed to have been produced? Why, by that of the Brahmins, who, to secure themselves a monopoly of the sciences imported from Greece, through the channels just described, imagined a sort of *kitchen* or macaronic Greek, which, in the course of little more than a century and a quarter, they contrived to render one of the most beautiful and perfect languages that ever existed! If this were true, what an idea

would it give of the intelligence and activity of the Brahmins, and of the impression communicated to the Indian mind! Renouncing their maternal tongue, and rapidly bringing to perfection a new one, invented by themselves to supply its place, they must, shortly after the epoch of Alexander, have produced a literary age, the writers of which are still renowned for having illustrated by their talents, their knowledge, and their original style, the reign of Vecramaditya. But is not the assumption of such unparalleled capacity and energy, in this 'order' of men, utterly subversive of the hypothesis which has been founded upon it? If the Brahmins really possessed such extraordinary intelligence and activity, how came they to wait for the arrival of Alexander in India before they dreamt of exerting them? Is it not remarkable that this particular time, of all others, should have been selected for the display of their inventive and intellectual energies? Both Meiners and Stewart tell us that their chief object was to conceal from the other Indian castes such of their philosophical doctrines as were at variance with the commonly received opinions, and thus to secure for themselves a monopoly of science, and a permanent ascendant over the popular mind. But is it not singular, that men of such penetration should never have discovered the necessity for this concealment, until 'Macedonia's madman' appeared on the banks of the Indus? And is it not still more singular, that they should have given themselves any trouble about securing a monopoly and ascendant, which all authorities agree they already possessed? 'What is now in 'India,' says Dr Robertson, '*always was there, and is likely still to continue: neither the ferocious violence and illiberal fanaticism of its Mahommedan conquerors, nor the power of its European masters, have effected any considerable alteration. The same distinctions of condition take place, the same arrangements in civil and domestic society remain, the same maxims of religion are held in veneration, and the same sciences and arts are cultivated.*'* And upon a like principle, may we not add, the same languages are still applied respectively to the affairs of religion, science, and literature, upon the one hand, and of civil life upon the other? At all events, the assumption in question must be held to be utterly self-inconsistent and self-contradictory, in so far as regards the opinion against which we are contending.

4. But this opinion cannot be maintained without taking for granted a fact, which cannot be proved, namely, that Sanscrit was

* *Historical Disquisition*, pp. 261, 262.

never spoken by the people, 'never contaminated,' as Mr Stewart says, 'by the lips of the vulgar;' and another fact must also be denied, viz. the existence of a great number of Sanscrit words in the popular dialects. If Sanscrit, however, was born a dead language, as Mr Stewart supposes, it forms an anomaly in the history of mankind. If it was never spoken by the people, how are we to account for the *undeniable* fact, that, while little or no trace of the native tongues of India can be found in Sanscrit, all of them contain a great number of words borrowed from that sacred language? According to Mr Stewart's hypothesis, the *very reverse* of this ought to have been the fact; for his idea is, that the Brahmins, in inventing Sanscrit, took the Greek language 'as a *model*, and their own (vernacular) language as their 'principal *raw material*.' The 'raw material,' however, has disappeared; and, strange to say, the languages from which it is supposed to have been taken have been enriched with the products of Brahminical 'manufacture,' instead of being despoiled in order to supply the matter or substance on which it was to proceed. But these are not the only assumptions which this hypothesis involves. Mr Stewart constantly speaks of the Brahmins as 'an order,' or body of men, subject to a common head, and acting in the most perfect concert. No conception can possibly be more erroneous. The Brahmins have nothing in common but their birth, and they acknowledge no hierarchical order. They have no colleges, no convocations, no general assemblies. They are a caste, not a profession, and they are the ministers of religion by the mere circumstance of birth, not in virtue of appointment or ordination. Is it not, then, extravagant to believe in the possibility of persuading as many perhaps as twenty millions of such men, distributed throughout states quite independent of each other, to renounce, at the same moment, their own language, and, by a sort of conspiracy, to adopt an unknown tongue; and this merely to secure themselves a preponderance which they already possessed, as religious and civil functionaries? Further, if these Brahmins had previously no kind of instruction, how came they, it may be asked, to be at once transported with such an ardent zeal for science? If they had no literary acquirements, how could they so suddenly form a language modelled on the Greek, and in a few years produce the classic works mentioned by Mr Colebrooke * as having illustrated the century immediately preceding the Christian era?

* In a paper on the Sanscrit and Pracrit languages, contained in the *Asiatic Researches*, vol. vii. p. 200,

5. In corroboration of these arguments (which we will plainly say appear to us unanswerable) we shall here state a fact, which of itself would be decisive of the question. In the Greek language there are *two hundred and eight* Sanscrit words, (see Colonel Kennedy's table at the end of his *Researches*,) which are *not* to be found in the Latin; and, on the other hand, there are *a hundred and eighty-eight* Sanscrit words in Latin, which *exist not* in Greek. But, according to the hypothesis under discussion, Sanscrit was derived from Greek at a later, as the Latin (which is generally considered the oldest dialect of the Greek) is supposed to have been at an earlier, period. The circumstance of there being more Sanscrit words in the Greek than in the Latin, may, therefore, be easily explained upon this system; but how are the one hundred and eighty-eight Sanscrit words, found in the Latin and *not* in the Greek, to be accounted for? If the basis of the Latin be Greek, and the former be only an older dialect of the latter, how came these words to find their way into the language of ancient Latium? and, on the other hand, how came the Greek to be possessed of such a number of Sanscrit words, not found in the Latin? Further, the total number of Sanscrit words in Latin is *three hundred and nineteen*, or twenty less than the total number contained in the Greek; but of these one hundred and eighty-eight exist not in the latter; and consequently the number of Sanscrit words common to both languages is *ONE HUNDRED AND TWENTY-ONE*, many of which are equally Greek and Latin roots. But as the Latin is held to have sprung from the Greek many ages *before* Alexander's expedition to India, and as, upon this supposition, it must have derived the *whole* of these one hundred and twenty-one Sanscrit words from the Greek at an epoch long anterior to that of the Macedonian hero; it follows, from the above statement, *first*, That Latin, though a dialect of Greek, contains a very considerable number of Sanscrit words, which are not to be found in the Greek at all; and, *secondly*, That the latter tongue would have exhibited a remarkable affinity to the sacred language of the Hindoos, had Alexander been strangled in his cradle, and the Greek kingdom of Bactriana existed only in the fancy of Ferdinand Mendez Pinto. Indeed, if the affinities of Sanscrit with the Greek and Latin shall be thought to warrant an opinion of its having been formed out of these two languages, we are surely at liberty to draw a similar inference from another fact of the same description, namely, the affinity of the Teutonic and the Sanscrit roots; which would be at least starting from one ascertained truth.

6. Strabo and Arrian describe the practices of the Gymnosophists of India; and it appears by their accounts that two philosophers of that country returned with Alexander. It would hence seem just as probable that the Greeks received lessons from them, as that they gave lessons to the Indians. What, indeed, could the former teach that the latter did not already know? We have unquestionable authority for believing that India had, long before this period, attained to a very high degree of civilisation, and made great advances in science and in learning. Astronomy, in particular, had been cultivated with wonderful success; and although the methods of observation employed were, and still are, rude, (as must always be the case among a people destitute of instruments,) we are informed, both by La Place and Playfair, that the rules, according to which the Brahmins proceeded, indicate an extensive acquaintance with the principles of the science. In ethics, and in metaphysics, they had also made considerable progress; indeed, the Indian mind possesses a peculiar aptitude for all enquiries requiring subtlety, acuteness, and a capacity for tracing nice distinctions. Sir William Jones mentions 'a tradition which prevailed, according to the well-informed author of the *Dabistan*, in the Punjab, and in several Persian provinces, that among other curiosities which Callisthenes (the nephew of Aristotle) transmitted to his uncle, was a technical system of logic, which the Brahmins had communicated to the inquisitive Greek, and which the Mahomedan writer supposes to have been the groundwork of the famous Aristotelian method.' We do not intend to adopt this supposition, though we think it not very improbable; and it may be doubted whether the Greeks had any occasion for the Indians to teach them the syllogism: But, on the other hand, it is surely equally doubtful whether the Indian Sonyâsses waited for the arrival of the Greeks to devote themselves to philosophical abstractions. Mr Stewart, however, thinks that Callisthenes may not unreasonably be conjectured to have been one of 'those who instructed the Brahmins in the use of the syllogism.' It is the misfortune of all of his reasonings on this subject, that they are not only founded upon conjectures, but, at every step, require some new suppositions or assumptions to be made in support of them.

7. Mr Stewart has had the candour to admit, that notwithstanding all his ingenious but far-fetched analogies, respecting Kitchen-Latin, and other barbarous sorts of *lingua-franca*, the question as to the supposed invention of what he calls an *oral cipher* by the Gymnosophists of India, must finally be determi-

ned by *internal evidence* derived from an analysis and comparison of the Sanscrit and the Greek languages; in other words, if the former be proved to be an original tongue, there is an end to all his conjectures. Now, we think we have established this very point, in the observations which we felt it our duty to make previous to entering upon the examination of Mr Stewart's hypothesis; and have shown that every mark or criterion, by which an original can be distinguished from a derivative language, is exhibited in the formation and structure of the Sanscrit; while the application of the same tests to the Greek and Latin leads irresistibly to the conclusion, that both these languages are of secondary origin. But there is yet another argument which alone would be sufficient to demolish Mr Stewart's system, and that is, the existence of the names of cities, rivers, men, animals, &c., preserved, although (as might be expected) somewhat disfigured, by the historians of Alexander, and the origin of which is *entirely Sanscrit*. This has been very satisfactorily made out by a writer in the *Oriental Quarterly Magazine*, who appears to have studied the subject with great diligence, and of whose paper an abridgement (which alone we have seen) will be found in the *Bulletin des Sciences Historiques* for the month of January last. From the analysis he has given, it cannot possibly be doubted that the words of the Sanscrit grammar are at least as old as the time of the Macedonian conqueror.

These arguments and observations seem to leave no doubt whatever as to the utter groundlessness of the hypothesis, which represents Sanscrit to have been formed, upon the model of the Greek, out of the 'raw material' of the native languages of India, soon after Alexander's invasion of that country. As an ingenious fancy this notion is well enough; though we cannot help expressing our surprise, that such a consideration should have recommended it to one of the most cautious and accurate thinkers that any country has produced; but proposed as a grave theory of the formation of one famous language, and of the affinity subsisting between that language and another equally celebrated, it would have been wholly undeserving of serious refutation, had not some learned persons thought fit to adopt it as perfectly sound, and to republish it to the world as a discovery in philology. Although the proposition we have been examining be untenable, it does not therefore follow that its converse is true; that, if Sanscrit has not been derived from Greek, Greek must be derived from Sanscrit. There are insuperable objections to such an opinion; one of which is, that it would not account for a seventh part of the Greek, leaving six-sevenths to be sought for

somewhere else. And it is the same with most other languages ; for, after deducting what they possess in common, or what the one has derived from the other, there invariably remains a vast residuum, or base, of which no intelligible or satisfactory account can possibly be given. Whence, for instance, did Greek and Sanscrit, Hebrew and Arabic, derive the words which they do not possess in common, or the Teutonic dialects the words which are found in one and not in the rest? Can the source of these differences now be ascertained? We say that it cannot; and it is this circumstance, more than any other, which creates the prodigious uncertainty attending all speculations and enquiries into the origin and intercourse of nations, which profess to be founded on considerations drawn from the structure and filiation of languages, and which, in some measure, accounts for the extravagances into which writers on this subject have so frequently been betrayed.

At the same time, we are free to confess, that the result of our enquiries has been, to produce a conviction in our minds that the affinities known to subsist between the Sanscrit, Greek, Latin, and German languages, are perfectly irreconcilable with any other supposition than that of their having all been derived from a common source, or primitive language spoken by a people, of whom the Indians, Greeks, Latins, and Germans, were equally the descendants. This, as a general proposition, may, we think, be very fairly and rationally maintained; for, to take the particular example we have been considering, if Greek was not the parent of Sanscrit, nor Sanscrit the parent of Greek, while the general resemblance between these languages is nevertheless so very remarkable, it seems necessarily to follow that they must originally have sprung from the same trunk, and be related as sister branches of one and the same stem. Thus far we conceive ourselves warranted by facts to go: all beyond this is, in a great measure, conjectural and imaginary. On obvious principles of reason, we feel ourselves compelled to admit the existence of a common source; but we know not at what age of the world, or in what region of the earth, to go in quest of it; for language itself supplies no data for the solution of the problem, and though, upon this subject, the voice of conjecture is loud, that of history is unfortunately mute. We have already once and again alluded to the Indo-Germanic theory, according to which population and language flowed from Middle Asia to the different countries of the East and of the West, where cognate languages are now to be found. But although there are some probabilities in favour of this theory, it nevertheless in-

res assumptions of the most startling and gratuitous description. It is manifestly inconsistent with the statement of Moses, can only be received by those who consider the conjectures he learned entitled to greater credence than his authority. It takes for granted the existence of an aboriginal population in central Asia, of the origin of which no account is attempted to be given; while its numbers must have been so much greater than any thing which has been found in that region since the dawn of history, that our faith is staggered, and we must reject all the knowledge which experience and philosophy have supplied before we can admit it. And, lastly, it supposes migrations to have taken place, which *may* have happened—for very things are absolutely impossible—but of which no evidence is to be met with in history, no trace to be found in any existing record.

The same objections are applicable to the theory proposed by Colonel Kennedy; who, not content to stop short at the general principle to which his 'researches' had conducted him, also goes in quest of the original race required, and ultimately discovers that it must have come from Babylonia. This race, according to him, was the Thracian, which he identifies with the Pelasgic, one portion of which he conceives to have originally peopled Greece, Italy, Thrace, properly so called, Germany, and all the other countries of the North, where the people called Goths predominated; while another branch, feeling an impulse eastward, proceeded from the banks of the Euphrates and Tigris to those of the Indus, and afterwards spread themselves over the whole peninsula of India. The first part of this theory he founds upon the fact that Greek was first cultivated, and brought to a very high degree of perfection, not by the inhabitants of Greece Proper, but by the Ionians, who occupied the opposite coast of Asia Minor; the second he rests upon the assertion of Herodotus, that the Thracians were the most numerous race of men extant, *except* the Indians. From the commendation bestowed by Plato upon the Poems of Orpheus and Thamyris, who were Thracians, in the Greek sense of the term, he infers that the people so called had attained to a very high degree of civilisation, while the Greeks, although part of the same great family, had not emerged from a state of comparative barbarism: But he forgets to explain how the Thracians, as they proceeded northward to the banks of the Danube and the Rhine, lost every trace of this civilisation, and degenerated to a state little if at all superior to that in which the different tribes of the natives were found on the discovery of America. Now, the ra-

dical objection to all this is, that it is purely imaginary. The Colonel, in fact, is a bad logician, and reasons ill. He combines things which have no manner of connexion, and from accidental or fanciful coincidences, draws conclusions which never can be admitted except upon some sort of evidence. He contends strenuously that Babylonia was 'the original seat of the Sanscrit language and the Sanscrit literature.' We will believe him when he reads Sanscrit from a Babylonian brick—but not till then. Still his 'Researches' are in many respects extremely valuable; and we have only to regret that our limits prevent us from examining his interesting, though somewhat discursive and rambling, disquisitions on the Hebrew, the Arabic, the Persian, the Latin, the Celtic, and German languages, all of which will amply repay the attentive perusal of the learned reader.

ART. XII.—*The Country without a Government ; or, Plain Questions upon the unhappy State of the present Administration.* 8vo. London : 1830.

THIS short but very pithy pamphlet has excited great attention ; from the well-timed moment chosen for its appearance, and from the plain and striking manner in which it sets before the reader the unexampled situation of the ministry as at present constituted. Although we rarely and unwillingly devote our pages to the discussion of party matters, and what are usually termed the politics of the day, there are times when this becomes a duty. It is no common object of contemplation to behold the government of a great nation committed to hands manifestly incapable of wielding its powers. But to see at the head of our affairs men void of the knowledge and experience wanted for discharging the ordinary duties of civil life, is a spectacle calculated to fill all thinking persons with apprehension. Nor is it less perilous to the state, that a set of persons should have undertaken to govern it, who are entirely devoid of the influence required either for resisting evil or effecting good. That both France and England have, for some time past, been placed in this unfortunate predicament, cannot, we fear, be doubted ; and to both, the title of the above pamphlet seems equally applicable.

The causes of this great misfortune having befallen the two first nations of the world, are nearly the same in both ;—the personal feelings of the Sovereign, and the indisposition of the People to quarrel openly with the Court. In France the King is a weak and ill-informed man, wholly guided by bigoted

priests. He has tasted indeed of misfortune,—a great portion of his life having been spent in exile and poverty, through the misrule of his predecessors, and the misconduct of his people, to whom freedom was new, and habits of just subordination unknown. But adversity, with her lessons, to the wise so precious, was thrown away upon his contracted understanding; and seems to have only served to make him superstitious and intolerant. At the age of seventy-two, it would seem as if he were resolved rather to break with his people than with his confessor. In Prince Jules de Polignac he has found a minister well suited to the genius of his ghostly counsellors. Incapable and bigoted, but presumptuous and obstinate, he left the place of representation, for which his mild exterior and noble birth fitted him; and from representing his sovereign abroad, undertook to counsel him at home—with about as much experience of state affairs as might be gleaned by the alternate frequenter of drawing-rooms and the mass. All France raised one indignant cry against this unhappy appointment. The Chambers met; the King was firm; the favourite remained blind to his danger: But all was in vain. The ministry, whom the nation had rejected, were discomfited by decisive majorities in the Chambers; and the desperate resolution was taken, to appeal from the deputies to their constituents, who were all with one voice determined on putting down a ministry that insulted and mocked their united and vehement wishes. The elections are closed; the result has disappointed none but the purblind minions of power; and nothing seems to await the ill-advised monarch but the choice of abandoning his throne, or retracing the steps by which he has lost the confidence of his people, hazarded the existence of his dynasty, and endangered the tranquillity of France and the peace of Europe.

Never was there such proof given of the degree to which a prince and his ministers may become unpopular, as the Algerine Expedition has afforded. The love of military glory forms one of the most striking features in the national character of our neighbours. The principal grievance of which they had complained since the restoration of the Bourbons, was the loss of that unmeasured gratification which the Empire had procured to the popular appetite. In this state of the public mind a vast expedition was prepared, on a scale worthy of Napoleon himself; all the resources of the State, naval as well as military, were exhausted in its equipment; and it has been crowned with a speedy and extensive triumph, without any of the miseries or the burdens which generally make victory so costly. The court and the priests, those ministers of peace, had well hoped that the nation would be dazzled with the pride,

pomp, and circumstance of their favourite war; and would be won over to at least a more patient endurance of the Government, which thus considerably pandered for the prevailing taste of the multitude. But mighty has been the disappointment of these hopes. For any thing they have gained by it, the ministers might just as well have left the troops in their barracks and the ships in their dry docks. Not a man in all France seems to care one *sous* for the conquest which has been achieved on the African coast. Hence a new source of mortification to such men as the Earl of Aberdeen, who had expected that the power of their favourite Prince Jules would be *confirmed* (such is the fashionable phrase) by military success, without giving themselves the trouble to enquire how far a French settlement in the Mediterranean was consistent with the interests of England—just as they were full of hope, that the Spaniards would effect the reconquest of Mexico, in order that liberty and republics might be crushed, at any expense to the commerce of their own country, and the happiness of the world.

The history of the English Cabinet is not quite so much the narrative of a King's personal caprice; and affords, therefore, a less poignant satire upon the monarchical form of government. But it must, we fear, be allowed to approach nearly the same points.

The late Sovereign of this country was a prince of very superior endowments to his ally. Educated with the greatest wits and most accomplished statesmen of his age; blessed by nature with a large share of talents and graces, as well as of liberal sentiments, he was fitted by character and habits to adorn any court, and to shed a lustre over his reign. But unhappily, he fell soon after his accession into the hands of persons whose spirit was exclusive and mercenary: And they practised upon passions weakened by a long course of indulgence, so as to secure their own influence, by the estrangement of the honest and enlightened men with whom he had once been familiar. The caprice, so natural to those pampered with habitual power, gained an ascendant over his mind, and soon betrayed him into a course of conduct injurious, we are concerned to say, not only to his own peace and popularity, but to the interests of royalty, and the character of the times. Over the whole of his Queen's treatment we would willingly draw a veil: But it is the misery of scandals so flagrant, occurring in places so high, that they can neither be concealed nor forgotten; and we now refer to this deep stain on a reign in many respects so glorious, for the purpose of saying, that no event since the accession of the House of Brunswick, has tended so fatally to

abate the wholesome veneration with which the people generally regarded the monarchy, or to lower the estimation in which its counsellors were previously held. It is to this just sense of weakness, and to the feelings of soreness and distrust which it engendered, that we are inclined to ascribe both the singular combinations of most of the succeeding ministries, and the notable vacillation of their public policy. In the Sovereign himself, this unsteadiness of purpose soon became most painfully conspicuous. His signal defeat in this disreputable persecution, after all the assurances of easy and glorious success with which he had been deluded by his flatterers, seems to have produced not merely a feeling of insecurity and dissatisfaction with all public men, but an irresolution in the pursuit of all the objects that successively recommended themselves to his wishes ; and a certain morbid and suspicious alternation of opposite impulses became the great impediment in the way of those who aspired to a leading place in his counsels. Nothing was so difficult as to fix him, whether in his likings or his aversions. The favourites of to-day might be dismissed on the morrow ;—the Holy Alliance, the idol of this hour, might be dashed away the next ;—and the re-conquest of Spanish America, sighed for at sunset, might be succeeded by a fit of emancipation before the dawn of day. Lord Castlereagh was a steady and a determined person, of mild and courtly manners, and little troubled with scruples. He kept him right (as the phrase was) while he lived, and left the task to the Duke of Wellington when he died. His Grace began his reign in a laudable though characteristic manner, by forcing Mr Canning upon the reluctant monarch. The pill, his Majesty said, was a bitter one ; but he was compelled to swallow it. To his immortal honour, Mr Canning instantly turned over a new leaf ; and reclaimed our policy from the fetters forged for it by his predecessors, and the Holy Allies. The political demise of Lord Liverpool was followed by the junction of Mr Canning with the bulk of the liberal party ; and the Duke of Wellington and Sir R. Peel retired on the precise ground of the new prime minister being friendly to the Catholic Question. The bond of union in opposition to Mr Canning's government, was a determination to resist that great measure ; and to raise the country's loudest outcries against all who might attempt to carry it.* This formed the

* Sir R. Peel may, perhaps, be deemed an exception to this remark ; but no one can doubt, that he would have been found co-operating with the party who raised the Popery cry.

obstacle, and the only obstacle, to the success of the question with a government honestly bent on bringing it forward; but, as long as this opposition existed, to try it was an utterly hopeless attempt—an attempt which must have destroyed the ministry, and left the Catholics where they were before. The King had imbibed all the prejudices of the intolerant party; and in four-and-twenty hours from the question being brought forward by his ministers, he inevitably would have sent for the Duke of Wellington, who, with Sir R. Peel, would then have formed a No-papery administration.

We marvel, then, at the great thoughtlessness of those who have said in disparagement of the Whigs, the Grenvilles, and Mr Canning, that the Wellington ministry did what none of them durst attempt. Why durst they not? Only because the Duke would have been ready to turn them out, and take their place. The tract before us well comments on this most unfair topic of dispraise, so often resorted to by the flatterers of the present ministry:—

‘The Duke’s flatterers are fond of appealing to it, in order to contrast his power and his decision with the infirmity of purpose which always marked the policy of the Whigs, the Grenvilles, and Mr Canning, towards Ireland. “He has done what none of you ever could!” Nothing more true than the fact; nothing more absurd,—more thoughtless, than the inference in his praise, if intended as a disparagement of his adversaries. Why could not they do it? Why durst they not even attempt it? Because of *the Duke*, and such as *the Duke*, who, had they taken a step towards it, would have raised the cry of No Popery, and set themselves at the head of a High Church party, to destroy whatever ministry should venture upon such courses. The King and the Court were with them, and a change of Government would have been the consequence in four-and-twenty hours. The Duke carried the question, exactly because he, its enemy, luckily came over to join its friends. To praise him for doing so is fair and just; but to praise him at the expense of those friends of the measure, whom he had so long prevented from carrying it, and to whom he went over at the eleventh hour, would be exactly like praising Jussuf Pasha for the surrender of Adrianople, and exclaiming—“See how much better a friend to Russia this barbarian is, than her own Diebitsch? When did he ever do such a thing?”’

It was much to be lamented by every true friend of his country, that Earl Grey could not so far overcome his not unnatural prejudices, as to have joined the administration of 1827. His being left out of that arrangement was openly, and upon every occasion, given by some of his most distinguished friends as *their* reason for also standing aloof. ‘Lord Grey is excluded.’ ‘Why is Lord Grey not comprehended?’ ‘We can support no ministry of which Lord Grey does not form a part.’

Such were the constant *professions* of those devoted friends and staunch adherents. The answer, that the King would not suffer him to be named, was ready enough; but it only increased the indignation of those honest and zealous followers. That any minister should abstain from insisting upon a measure so essential to the public service, because of the King's personal prejudices, was deemed an incredible and monstrous desertion of duty. And for a little season, those good people enjoyed the reputation of being the most steady and exemplary partisans that man ever had; and Lord Grey was deemed happy beyond the lot of other leaders in having so firm a knot of supporters, whom no smiles could win, no menaces frighten, from their duty to a chief and a friend. Alas! how shortlived are human friendships! how brittle is party allegiance! It is our painful task to record, that no sooner had Mr Canning died, and his adherents been dispersed, than Lord Grey's partisans,—the most vehement, at least, of them,—found it a fitting and a decent thing to affect the Duke of Wellington,—to load him with caresses,—to regard him as the only man formed to govern the country—simply because he could control the King; and when they found his influence exercised to keep himself in office, but in nowise to bring Lord Grey into place with him, he was still suffered, with admirable patience, to give, as a reason, the King's personal antipathies, which could not be subdued! The King, however, departed this life; and his antipathies died with him. Why was Lord Grey still excluded? 'Never mind,' said the knot of staunch friends,—and they voted with the Duke, against a motion of a constitutional nature brought forward by Lord Grey! Truth and justice compel us to deplore the grievous error of judgment which involved in this strange course so virtuous a man, so inestimable a patriot, as him whom no worse motive could seduce from the path of right,—the noble head of the house of Russell. Of the place-hunters, the ribbon-fanciers, the job-mongers, who sought to shelter their aberrations under his revered name, we condescend not to speak; trusting that when subserviency—or it may only be folly—shall have had its day, returning reason will recall the pretences of 1827, and produce at least an outward semblance of consistency between their professions and their conduct.*

* Of course, must be exempt from all such censures one or two amiable and honest individuals, whom personal respect and friendship for the Duke of Wellington have misled.

Let us now consider what has so far enabled the Duke of Wellington to perform so extraordinary a feat as to take and keep the government of this country, at a season of unexampled difficulty, and while all the questions of civil policy, of which he is confessedly ignorant, have been in discussion.

That he has no qualifications for the place into which accident has thrust him, cannot be asserted by any candid observer. He has valuable qualities, even as a statesman; he has firmness, sagacity, industry. Had he taken the Great Seal, as ignorant of equity as Sir John Copley was, in 1827, he would, we verily believe, have made himself a much better equity lawyer than Lord Lyndhurst can now pretend to be. His pride, if not his principles, would have made him ashamed of taking the emoluments of a high station, without at least attempting to qualify himself for performing its duties. But to pretend that the Duke of Wellington has the habits of debate, and the experience of civil affairs, or the political and general information necessary for him who would be first minister of a great country, the affairs of which are so complicated as ours, and the business of which is to be transacted in popular assemblies, would be ridiculous. And to pretend to believe that he was chosen for his office on account of any such fitnesses for its duties, would be the grossest affectation. There are not three men, hardly three women, in the country, who seriously dream of any such thing. Why, then, was he selected for a place, to which all agree he had no claims from merit? Nay, why did he consent to take a place in January 1828, which, in June 1827, he had himself pronounced nothing but insanity could ever make him think of holding? This question is not difficult to answer.

The late King was alarmed at the weakness of the Ministers, who, in the latter part of 1827, left him more than once without any government, by the ill-placed diffidence of some, and the downright pusillanimity of others. He must have a ministry; but he was resolved not to have those who alone could well administer the public affairs. A steady man at all events was wanted,—one who would not lose heart and run, the moment any difficulty came in his way. Such was the Duke of Wellington. His further reflections of six months had made him think either less highly of others, or less meanly of himself. He was the only man who had the nerves to undertake a task of vast magnitude, for which he was almost wholly unfit, and to risk the shame of a total failure, against which, should it befall him, he had to set the success of a long life in war, and the excuse of having been forced to take a place which nobody else was willing to face.

It is plain, however, that his real qualification is to be found in the late King's personal hatreds and caprices, which made it absolutely necessary to rule him with a steady hand, and at the same time to avoid forcing certain individuals upon his choice.

A few months after the Duke became Minister, the ablest and most experienced part of his colleagues resigned; driven away, it is understood, by his domineering spirit, which makes all his coadjutors mere ciphers, except Sir R. Peel,—and leaves even him in a somewhat anomalous and not very explicable predicament. A Ministry was now exhibited to the astonished nation, and pretended to steer the state through all its difficulties at home and abroad, such as eye had not seen, nor ear heard, nor had it entered into the heart of statesman to conceive. A Field-marshal ruled over the Treasury—received deputations from the Bank on currency questions—the Stock Exchange on funding—Lloyd's on trade—discussed questions of dockets and coquets with the Chairman of the Customs—the mysteries of the Hong with the Leadenhall-Street sovereigns, and the arcana of process and costs with the attorneys and the special pleaders. The Secretary at War, of course, was a soldier; but the Colonies were handed over to a Quartermaster-General, on whom devolved the disposal of all questions touching slave evidence—the protecting duties on East and West India sugars—and the preparation of new codes for colonies stretching through every clime, and peopled by so many races, with such various habits and institutions, as it would affright Bentham himself even to think of giving laws to. To aid the board of general officers in their hopeful task, and to conciliate the Commons to their measures, a Chancellor of the Exchequer was appointed whom the House would not listen to; the foreign affairs were committed to a nobleman of Prince Metternich's school, of whom the pamphlet before us speaks somewhat complimentarily when it describes him 'as inheriting all Mr Pitt's insolence, with less than Mr Addington's capacity;' while Ireland and India, about to become the grand topics of parliamentary discussion, and whose affairs assuredly presented the most appalling difficulties, and required the most experienced heads and the most delicate hands, were intrusted to a frothy spouter, without temper or judgment, and a feeble translator of German poetry.

Such was the Ministry of 1828, when the necessity of some great measure to prolong its existence for six months became manifest, and obtained for it the respite which even party will give when actuated by principle. The Session of 1829 opened with the Catholic Question. The Duke, and still more Sir R. Peel,

deserved the greatest possible praise for the manner of carrying through that great measure. One only regret remained ; the personal feelings of the King in regard to Mr O'Connell were consulted ; and the gratification of his Majesty's dislike occasioned much painful debate in Parliament, and a contested election in Ireland. The Opposition might well for themselves have resisted the disfranchisement of the forty shilling freeholders, which was annexed to the emancipation. It would have raised, instead of risking, their popularity—it would, moreover, have destroyed the Duke's administration—But it would have endangered the Catholic Question ; and they nobly disdained to purchase, at such a price, any party triumph ; and preferring real and patriotic, to apparent and passing consistency, they reluctantly supported one measure for the sake of the other. The Duke of Wellington never in his life betrayed a greater want of magnanimity towards an adversary, or committed a more decided error, than when he avoided all due acknowledgment of such disinterested, such almost romantic, conduct. Not only did he so, but he ostentatiously discarded his new coadjutors. He had won the day by their help ; he had been in their hands for life and for death ; he had found them incapable of taking the least advantage of their own power and his weakness ; and he chose the moment of victory to thank them for their past services, and pretty plainly to indicate that he had no further occasion for them. This courteous speech was followed up by a cautious estrangement from them, and no little disposition to reunite with those whom he had left, and whose hostility he had provoked. The Ultra-tory party, however, were not made of such pliant or supple materials. He had plainly yet to learn the new trade he had taken up. He fancied all men made of the same stuff with those courtly Tories whom every minister may command, and can both surely reckon upon for friends while in office, and as surely for enemies when he resigns. He now discovered that there are two classes of Tories—those who cannot quit their places,—and those who will not quit their principles. To the former he owed his majorities in favour of that question which, up to half past two of the clock on the fifth of February, 1829, they had strenuously resisted—and which they crowded the Bar of the Lords at that hour of that day, ready still to resist with might and main. When they found that the King's speech was for emancipation, they might be somewhat startled : but they never hesitated or flinched. They went to their places, cheered the minister, applauded their old adversaries, and called aloud for *Emancipation*, instead of *No Popery*, as they had been doing all the rest of their lives, and as they were quite prepared

to do that night also ! The question was carried in the Commons by near two to one—where it had never been carried before but by some half-dozen of majority. In the Lords, where it had been uniformly defeated by two to one, it was carried by a large majority. This astounding fact—this spectacle so cheering to the Duke, if not to the respecters of our parliamentary constitution,—seems to have intoxicated his Grace with the dream that he could now do as he pleased. But he found there was another kind of men, hitherto his supporters, henceforward his enemies. These complained, unjustly perhaps, of being betrayed in the change of policy, happily for the state, adopted under the pressure of imminent necessity ; but they complained, with less injustice, of having been deceived in the progress of the new policy. They recollected that the Solicitor-General Tindal had suddenly abandoned the ground of his repeated canvass at Cambridge, and avowed that he should devote himself to the discovery of *securities*. They recollected that the Duke himself had told them, when Lord Colchester expressed his unabated alarm for the church, to wait till they saw the *securities*, and perhaps they might find no fault with the bill. They recollected that the Chancellor, once a stanch reformer, but who had become a leader of the Ultra-tories, had lectured long and loud on *securities*. What, then, was their astonishment to find the bill come from the hands of the soldier and his two lawyers, without the shadow of a shade of security in it, from the preamble to the close ! They said they had been duped once:—but it must be their own fault if the trick succeeded again.

Accordingly, those consistent, and honest, though much mistaken men, have ever since repulsed all his Grace's advances ; and much as he has seemed to yearn after their lost embraces, he has been fated to behold others, more fortunate than himself, obtain a share of their favours. The truth is, that the Duke was driven to the great step he so unexpectedly took, by the mere force of circumstances ; and the praise of doing with a good grace, and in a determined and manly way, what he had no choice in adopting or rejecting, is all the merit which can be fairly allotted to him. No one beyond the circle of his unthinking flatterers can ever muster power of face enough to give him more honour than this, for the measures of 1829. But the Ultra-tory party were men of principle ; and freely acknowledged the immeasurable superiority in point of principle by which their ancient adversaries the Whigs surpassed their late friend and leader. A very natural esteem thus sprung up between two classes of men both actuated by a sense of duty, and it has been

cemented by occasional co-operation during the succeeding session of Parliament.

Having briefly sketched the progress of events as far as regards parties, and shown by what steps they assumed the unexampled position in which they stood at the opening of the late session, it now becomes fit that we should cast a narrower glance upon the proceedings of Parliament during that extraordinary period, in which, it has been justly observed, that more was said and less done than in any equal portion of parliamentary history since the conquest.

The first night clearly showed that the Ministry had lost *all* power or influence in the House of Commons:—an amendment was moved to the Address; and it was, to all practical intents, carried—for the leaders of Opposition professed to support it without desiring to turn out the ministers, and this induced between twenty and thirty of their steadiest adherents to vote with the Government—by which votes alone the amendment was lost and the Ministry was saved. The Duke, then, had virtually ceased to reign; but his adversaries did not choose to turn him out, and thus saved him. This step has been made the subject of much censure by those far less competent to decide than the experienced leaders of the Opposition; because ignorant of the facts known to those statesmen, and not gifted with their sagacity. The King's personal hatreds remained as deeply rooted as ever; his caprices were as difficult to control. Had the Duke resigned, no new government *could* have been formed; and he must have returned more powerful to office, and might, by possibility, have trampled on his opponents. Even the hazard of this was to be avoided; and it was equally manifest, that no man is at liberty to destroy a Cabinet, if he possesses not a fair prospect of being able to replace it with a better. Events have since confirmed this wise and temperate view of the Whig leaders; but the Duke's ministry now received the blow; and they have gone on from week to week, reeling under it, trusting to the forbearance of their adversaries, and exposed to the pity of all men.

Never, accordingly, was there such a session of Parliament. On every question it was doubtful which way the majority would decide. On no question was there any doubt that the whole force of the debate would be found against the government. The Ministry had Sir R. Peel, and him alone, to speak a word for them. He is a man of respectable talents, but far, very far certainly, from being a first-rate man. His character is highly estimable; his

official habits and his industry are exceedingly valuable, and he would be a great accession to any ministry. In easy and tranquil times, he might even play the first part, and state the case for the government, or defend its little peccadilloes, or meet its ordinary opponents, and give to those who wanted to vote with it plausible reasons for supporting its measures. But for the stormy times we live in—for questions involving the fate of cabinets, and even of dynasties—for the real tug of war, and to meet such antagonists as he sees ranged against him; it must be admitted that he is wholly unfit. Were he far more capable than he is, no man standing quite alone in his situation, and in the present position of parties and of affairs, can possibly conduct the business of the country in the Commons House of Parliament. And yet the utmost forbearance was shown towards him throughout the Session. No one ever made a personal attack upon him; his arguments were answered, and his errors exposed, with the reluctance and the tenderness of the most friendly disposition. Even when the trenches were opened against the government at large, he was always made an exception; and the blows that fell thick and heavy elsewhere, were never aimed at him. He has tried to lead the Commons, and has failed, in circumstances which would have defied the powers of any single man: But he has not yet made the attempt, in the circumstances that await him, should parties remain next session marshalled as they are now. He has had no real hostility to contend with; he has only been matched with half friends, or with most reluctant adversaries; he has never any one night felt the ‘power of any adversary’ whom he had not a fair chance of defeating. The following passage of the pamphlet before us, paints the very different scene which now awaits him, should he prefer a blind obedience to his military chief, before every thing that is due, in common prudence, to his own character and station. ‘No more courtesy—no more displays of superiority without mischief—no more exhibitions of skill in showing men their weakness, without doing them any harm—no more shaking them good-humouredly over the precipice, and then setting them down on its edge—no more taking them up by the nape of the neck, or holding them on the palm of the hand, and patting them on the head as the Brobdignag King did Grildrig. The time for action is come—the buttons are dashed away from the foils—the guns are shotted to their lips—they are pointed at the weak parts—that is, they are pointed at all parts—the matches are on fire—and the word only is wanted to make them roar. *The Captain* is a bold man; but to lead the forlorn hope upon such an occasion as this, requires a madman, not a bold one.’

There are merits in Sir R. Peel, which deserve to be marked, both in justice to him, and as explaining all the forbearance and even kindness displayed towards him. But these, unfortunately for the ministry, bring no addition of strength; on the contrary they greatly lessen its influence both in Parliament and the country. He has become a distinguished and most valuable votary of liberal principles. He had taken, some time ago, to reform the criminal law; he has heartily supported the reformers of our civil jurisprudence. He is the friend of a liberal policy in commercial matters; and, probably, no adherent to the false views of arbitrary power, cherished by the Wellingtons and the Aberdeens in respect to foreign affairs. But all this obviously lessens his influence with the high Tory party, whose champion he long was; and when he left them on their grand point, the Catholic Question, and abjured heartily as heretical that great Shibboleth of their union, he more than forfeited any part of the influence he once possessed, and made himself an object of their loud and vindictive hostility. We express the thing very feebly; there never was a public man more entirely abandoned, more fiercely opposed by his former adherents; nor one who made so great a sacrifice to his principles. That such conduct has justly recommended him to the chiefs of the liberal party, is as certain as that it has destroyed his whole personal weight in the country. He might have retained *their* good-will for ever; he might have improved a most precious opportunity of gaining among the popular party, in and out of Parliament, almost as high a place as he had virtuously sacrificed on the other side. But he betrayed a little mind at this critical moment; he hungered after the position he had quitted; he was alarmed at the solitude in which he found himself; he was afraid to trust his new associates; he took no bold or decided part—made no clear election—cut no Gordian knot—overleaped no entanglements; but sought to avoid a danger which he saw before him, by lingering in a position a thousand times more perilous, and exposed himself to the jeopardy which, we much fear, has now overtaken him—the last in which a statesman should ever let himself be involved—that of falling between the opposite parties, and losing the support of one without gaining that of the other. He *may* yet have a moment for reconsidering and retracing his steps, for refusing any longer implicit obedience to a haughty chief, and acting as his own honour and his situation in the country require.

In the meanwhile, let us survey the dangers that await him should he retain his present unprecedented position. On his front, the great body of the old Opposition, reinforced, and led with a vigour and talent not to be exceeded—endowed with all

the popularity arising from steady and disinterested adhesion to public principle, and from a series of victories, unparalleled, in favour of the people's rights, and of their only sound and enlightened opinions. On the one flank, a smaller, but most compact and effective corps, the remains of Mr Canning's friends, and who, to great talents and acquirements, add long experience in office. A much more numerous body of men, representing the Church and Tory party, and numbering, too, among their ranks active debaters, and old implacable enemies, forms the third grand division of the Opposition. To meet all this array of strength and of numbers, the Government has but a single man whom the House will hear speak, and the influence of the *Treasury Note*, which has during the late session constantly failed. On the occasion of a new reign, and the first address to the Sovereign after his accession, that *Note* could only procure the attendance of a bare majority; while 146 members, without a single summons calling them together, and with only an accidental notice that there might be a division, at once voted against the Government.

The Lords, however, it may be said, are another House of Parliament, and there the minister himself acts with his peers, and 'commands the applause of the listening senate.' In good truth, he might as well think of 'awaking to ecstasy the living 'lyre!' Few sights so piteous as Sir R. Peel and Mr Goulburn (if it be not Lord F. Leveson Gower and Sir G. Murray) have ever moved the pity of men of experience and right feelings; but no sight so grotesque as the Duke of Wellington in his debating capacity, was ever, certainly, offered to the gaze of the curious observer. When Rousseau once undertook to write an opera, ignorant of musical composition, and then to direct the orchestra, as ignorant of execution, he tells us, 'No, never since the world began was there heard so strange a *charivari*.' The conqueror of Waterloo, we verily do think, would hardly be less at home upon the violin, than he is in meeting Lord Grey, Lord Holland, and Lord Lansdowne, in debate. He may rest assured, this is not the line in which nature intended him to excel. If we had had 'a king who had no childish fancies to gratify—who did not one day want to get rid of his wife at the risk of a civil war—another day to build palaces at the cost of a million—who had no minions to rule over him—and no personal spites to gratify, he would never have required an unyielding minister to keep him in order; the necessity of the Duke of Wellington, as Premier, would not have been felt.' So long as it was otherwise, it was well enough to look for no quality in a first minister but a firm hand and a strong purpose. But all men

see the impossibility of this qualification—supplying the want of all others—of civil wisdom—of knowledge—of debating powers; and all men are lost in amazement at the blindness which can be insensible to a light that glares in every other eye. It is true, he has Lord Ellenborough and Lord Aberdeen near him; but they are additions to his incapacity, not materials of strength; for they have just as much weakness as himself, and not a single one of the claims to our gratitude, and our esteem, which so renowned a commander justly possesses, and puts forth with never-failing effect, except when he makes them the passports to a kind of consideration he never by possibility can attain.

In these circumstances, what can the government do? The King has kept them together *for the present*. Any security beyond the present they have not, neither can they have. His Majesty must have a government that can transact the business of the country, and save it from the mischiefs and the risks of uncertainty and feebleness approaching to anarchy. He is a prince of a manly and plain understanding; he has no personal hatreds to gratify, and if he ever had, they were pointed against the Duke himself, and these he has nobly sacrificed to the convenience of the state, deeming a sudden change on his accession detrimental to the public service. The instant that his Majesty's eyes are opened to the state of things in both Houses of Parliament, that instant there is an end of the weakest ministry that ever tried to rule any country. All this the Duke well knows; but with his usual confidence, he trusts to better his desperate condition by the chances of a general election!

Will he gain by those chances? First of all—can he remedy, by the utmost success, the real mischiefs that beset him, the weakness that paralyzes his government? The fantasy is preposterous; it shows a gross ignorance of his real danger,—an almost incredible unacquaintance with the nature of Parliament. He wants numbers, it is true; but he wants supporters of power in the House, and of weight out of it, a thousand times more; and he is beleaguered by adversaries, any one of whom is far more than a match for all his debaters in both Houses together. Does he imagine that there is any sort of doubt of Mr Brougham's return to Parliament? Thinks he to eject Mr Huskisson at Liverpool? Dreams he that Cambridge will reject Lord Palmerston? Who can have put it into his head that Mr Stanley will not again sit for Preston? What flattering tongue of either sex can have lulled him to soft repose on the subject of the two Grants? But if all these were removed, he must be grievously misled to think that, in the Rices, the Grahams, the Humes, to say nothing of other rising talents of late added to the force of

Opposition, his only debaters would not have quite enough upon their hands. It is also positively certain that a new Parliament will see Mr Denman restored to that commanding station within its walls, which his splendid talents and unblemished integrity heretofore won for him.

In the mere question of numbers, what right has this overweening chief to be confident of bettering his condition? Does he suppose that members of Parliament can be levied by main force, like conscripts, or that the *whippers-in* can beat up for them like recruits, by crying out, God save great Arthur, Down with Lord Grey? He will find elections a harder job than he thinks for. He will possibly learn that there are as many willing to come forward on the popular as on the deeply unpopular side of the question. He will, in all likelihood, experience somewhat of Prince Jules de Polignac's disappointment, who dreamt, once upon a time, that the king could make any man a minister, whether nature had made him or no of the proper stuff, and that any minister could elect a new and subservient Parliament, and found, to his sorrow and surprise, that the new were ten times worse than the old. Does his Grace really fancy he has any one topic on which he can appeal to the people for favour? Can he point to any one act of his domination, save the Catholic Question, as a title to confidence? Does he flatter himself that the Catholic Question will reconcile either the church or the people to his incapacity for parliamentary life, as a first minister of state?

But he makes as grievous a mistake, if he supposes that a mere increase of numbers will augment his majorities. He must not suppose that men are to be moved about in the parliamentary as in the military campaign. He must by no manner of means suppose that men love to prop a falling cause by being crushed under its ruins, or even coming nigh enough to be choked with the dust its crash must raise. He must in nowise fancy, that when a gentleman has been returned to serve in Parliament, he likes being treated as a livery servant, and set to stand, or sit, or walk, where his master or his mistress's caprice may direct. Far less must he expect to find any gentleman going down, night after night, to be laughed at, to be put sorely out of countenance by witnessing the pitiful countenances of their leaders,—to be galled by sharing in their perpetual discomfitures. No men,—certainly no men in Parliament,—love to partake of other men's embarrassments and mortifications. No men in London society are patient of never-ending ridicule, in public or in society, in Parliament, in club-rooms,

or in drawing-rooms. All vows made to the *whippers-in* are forgotten when the time comes; the Duke will find his popularity nearly where it was; and while his enemies press on to the easy victory of debate, and crowd the ranks of Opposition to insure a powerful division, his supporters, lukewarm and abashed, will keep out of the way, and leave him to the phalanx of placemen, and a select few who hope to become such.

It is fit, however, that we should enquire how the Opposition, in its threefold division, is likely to act. That there can no longer be any forbearance, any measures kept, is now quite clear. Public duty combines with party attachment to render this inevitable. The day of delusion has passed away; and, with it, all armed neutrality, all mere vigilance, are gone out of the question. The great men, who have a high destiny to fulfil towards their country, know that she looks to them for rescue from the worst of evils, a Government utterly incapable of managing her affairs, and too weak to secure the success of any one measure it propounds. But this being the common object of all the three parties, will not its pursuit, of necessity, league them together? We think it may fairly be expected to do so; and we also think that the Duke of Wellington is in this, as in other matters, the dupe of his sanguine disposition; for assuredly he has never apprehended such a junction to be possible. He has suffered himself to be led away with the idea that he would be strong in the weakness of his various adversaries, and make up for his own native feebleness by their divisions. He has reckoned on being able to make a dexterous game, by playing off one party against another. He or his sycophants said to the Whigs, 'Mind you don't press me hard, or I must take in the 'Huskissons!' To the Ultras they said, 'Take care, or we shall 'throw ourselves into the arms of the Liberals!' To the Canning party the word has been, 'Beware how you drive us to the 'High Tories!' Canning gentlefolks! High-principled statesmen! Frank, open, straightforward, plain-dealing politicians! Principles then are all the while mere nothing, any more than party attachments; and you are just as ready to follow the bigoted as the liberal course of policy, if by so doing the great end of your existence, the keeping your places, can be secured! But let the Duke, whom his panegyrists have fatigued all ears by lauding for his sagacity, reflect, that such hopes are *now* as unwise and unthinking—as unworthy a sagacious politician, as such manœuvring was always beneath any man who plumed himself on plain-dealing, straightforward conduct. The Catholic Emancipation has removed nine parts in ten of the grounds of difference that separated such able, and virtuous, and

highly honourable men, as the Duke of Richmond, from congenial spirits like Earl Grey. It was always stated, as a main object in compassing that great measure, that it would enable the state to profit by the services of all its ablest men. This was the uniform language of those whose mighty efforts, for above a quarter of a century, brought about the immortal triumph of religious liberty. Shall they, then, be the first to say,—the separation shall continue, when the cause of alienation is no more? Consistency, principle, common-sense, forbid us to expect any such aberration from the path of duty; and we therefore regard a junction of the men of sound principles in all parties, to give the country an efficient government, as the certain result of the Duke's blind obstinacy, and his resolution to meet a new Parliament with the same incapable ministry by which he so greatly lowered his own reputation in the old.

Let it not for a moment be supposed, that we regard the services, even the political services, of the Duke of Wellington, as desirous to undervalue them; or that we do not admit the importance of his Grace and Sir R. Peel as an accession to a better Cabinet than their own. We have been ill understood if we have been thought to hold any such opinion of either. But our whole argument, and let us add, our whole alarm, is grounded upon the assumption, far too probable by all we now see, that the one will continue confident, the other submissive,—that the Duke will not sacrifice his Dictatorship by consenting to share power with colleagues who merit the public confidence and his own respect; while Sir R. Peel will continue halting between two opinions, unwilling to join the Whigs for fear of increasing the distrust of the Tories, and unwilling to thwart the Duke by refusing to lead his forlorn hope. Upon all other suppositions our remarks are inapplicable to the present juncture of affairs, or to that which awaits us; and to the supposition on which we have proceeded, we have been slowly and most reluctantly driven by the late conduct of the Duke of Wellington himself. To be sure, never was there so unusual a cry, even among the Government voters themselves, as that which has been raised for strength and help. All men of all parties—every individual, save some half-dozen flatterers, as it is said, of either sex, have some months past had but one word in their mouths—‘There must be a change.’* Yet still the Duke persists in his career.

* Among the many facts which are at once symptoms and causes of weakness to this ministry, may be mentioned prominently their almost total dereliction by the powers of the press. Neither in town nor in coun-

His reason, so oft assigned, is gone with the late King; but he perseveres, like one resolved to be taught wisdom only by his own woful experience. That he may yet, while it is not too late, listen to reason, not to pride, is far more his own interest than the concern of his sovereign or his country.

try do any of the newspapers or periodical works of respectability support them; for one newspaper of great circulation, and very ably conducted, can hardly be deemed an exception, since it avows, that its favour is principally gained by the weakness of the government. The liberal press, with hardly an exception, in any part of the country, is against the ministry; and the Tory journals, of which some are conducted with distinguished talent, join in the universal attack.

One kind of support the Duke of Wellington is said to possess, in the talk of several women of fashion, who make themselves busy in his behalf. It is frequently said, that the failings of the fairer part of the creation are sacred amidst the din of party strife, and that their names ought on no account to be brought forward. Truly there seems little sense in all this mock chivalry. As long as women know and feel what is due to the sex, to wound by obtrusive remarks, or prying into the privacy of domestic life, is cruel and unmanly. But when they make themselves politicians, and partake, as they have an undoubted right to, of the rights of faction, whether their zeal be displayed in turbulent exertion, or in subserviency, they, most unquestionably, are to be treated as other combatants; and their sex is really no protection. Living so far from the great scene in which they are said to shine forth, more eloquent than wise, we cannot be supposed to have any means of distributing justice in this department. But we should no more scruple, had we the materials, to expose their faults, than we should to hold up the follies of their male coadjutors.

But of all the portentous signs of the times for the present ministry, the most appalling is the nearly unanimous choice of Mr Brougham to be member for Yorkshire. This is assuredly the most extraordinary event in the history of party politics. It is no doubt flattering to the ambition of the individual; but it would be ridiculous to suppose it a mere tribute to him. It is a profession the most solemn, of adherence to his known and oftentimes avowed principles. The government, to which he leads the opposition, are not once thought of by those who are lifting their determined antagonist to the pinnacle of popular influence.

NOTICE *respecting Mr Brougham's Speech in the House of Commons, on the 13th July, on Colonial Slavery.*

WE regret extremely that the 'Corrected Report' of this powerful speech, which, as we are well informed, produced an impression on those who heard it not likely to be forgotten, or to remain barren of effects, should have reached us at a moment when it was no longer possible for us to notice its contents at any length. We shall, it is true, have an opportunity of recurring to it, and its subject, in our next Number; and we feel that the new aspect which that subject has assumed, calls upon us for a renewed consideration of it; but, on the eve of a general election to the first parliament of a new reign, we could have wished to be able to contribute our aid towards the diffusion of the facts and arguments here so strikingly and commandingly stated and enforced, among those who are about to exercise the elective franchise. The terms of the Resolution which Mr Brougham moved the late House of Commons to adopt, will sufficiently explain the object of his speech. They are as follows:—'That this House do resolve, at the earliest practicable period of the next session, to take into its serious consideration the state of the slaves in the colonies of Great Britain, in order to the mitigation and final abolition of their slavery, and more especially in order to the amendment of the administration of justice within the same.'

This Resolution, so consonant to the dictates of humanity, of justice, and of sound policy, was negatived; but that the measures at which it aimed will be early pressed upon the consideration of the new parliament, there can be no doubt; and it well becomes those of the friends of this truly Christian cause, who have a voice in the choice of a representative, to give that voice to no one who will not distinctly pledge himself to co-operate with Mr Brougham in his humane and noble efforts for the 'mitigation and final abolition of slavery' in our colonies. We trust that means will be taken to give the widest possible circulation to the 'Corrected Report' of his speech. Unfortunately, we can, at present, do nothing more than lay before our readers its glowing peroration—so worthy of this great orator, this unwearied friend of liberty and humanity.

‘ I trust that at length the time is come, when Parliament will
‘ no longer bear to be told that slave owners are the best law-
‘ givers on slavery ; no longer suffer our voice to roll across the
‘ Atlantic in empty warnings, and fruitless orders. Tell me not
‘ of rights—talk not of the property of the planter in his slaves.
‘ I deny the right—I acknowledge not the property. The prin-
‘ ciples, the feelings of our common nature, rise in rebellion
‘ against it. Be the appeal made to the understanding or to the
‘ heart, the sentence is the same that rejects it. In vain you
‘ tell me of laws that sanction such a claim ! There is a law
‘ above all the enactments of human codes—the same through-
‘ out the world, the same in all times—such as it was before the
‘ daring genius of Columbus pierced the night of ages, and open-
‘ ed to one world the sources of power, wealth, and knowledge ;
‘ to another, all unutterable woes ;—such it is at this day : it is
‘ the law written by the finger of God on the heart of man ; and
‘ by that law, unchangeable and eternal, while men despise fraud,
‘ and loathe rapine, and abhor blood, they shall reject with indig-
‘ nation the wild and guilty fantasy, that man can hold property
‘ in man ! In vain you appeal to treaties, to covenants between na-
‘ tions. The covenants of the Almighty, whether the old covenant
‘ or the new, denounce such unholy pretensions. To those laws
‘ did they of old refer, who maintained the African trade. Such
‘ treaties did they cite, and not untruly ; for by one shameful
‘ compact you bartered the glories of Blenheim for the traffic in
‘ blood. Yet, in despite of law and of treaty, that infernal traffic
‘ is now destroyed, and its votaries put to death like other pirates.
‘ How came this change to pass ? Not assuredly by parliament
‘ leading the way ; but the country at length awoke ; the indig-
‘ nation of the people was kindled ; it descended in thunder, and
‘ smote the traffic, and scattered its guilty profits to the winds.
‘ Now, then, let the planters beware—let their assemblies beware
‘ —let the government at home beware—let the parliament be-
‘ ware ! The same country is once more awake,—awake to the
‘ condition of negro slavery ; the same indignation kindles in
‘ the bosom of the same people ; the same cloud is gathering that
‘ annihilated the slave trade ; and, if it shall descend again, they,
‘ on whom its crash may fall, will not be destroyed before I have
‘ warned them ; but I pray that their destruction may turn away
‘ from us the more terrible judgments of God !’

CORRECTION of *Article on Providential and Prophetical Histories.*

WE are sorry to find, that, in the above article, (No. C. p. 331,) we have unwittingly transformed Dr Elrington, Bishop of Ferns, into a Roman Catholic Bishop; ascribing to him, in that character, a declaration regarding the union of the Gallican and English Churches, which ought to have been ascribed to a different person. We here beg to apologise to the Bishop for this mistake.

No. CIII. will be published in October.

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